



LAPORTE COUNTY
BOARD OF ZONING APPEALS

Government Complex, 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808, Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

Michael Polan
Building Commissioner

September 15, 2026

Dear Members:

The regular meeting of the LaPorte County Board of Zoning was held **Tuesday, September 15th, 2026 at 6:00 p.m.** in the Assembly Room of County Complex.

Members Present: Melissa Mischke Anthony Oss
 Ernie Schmidt Eric Pointon
 Jeff Baltes

Present: Attorney Andrew Voeltz: Michael Polan, Recording Secretary;
Janet Cole, Administrative Specialist and Deanna Schweizer, Administrative Coordinator.

The Pledge of Allegiance.

Melissa Mischke: I will entertain a motion for the approval of the meeting minutes from August 18th, 2026.

Eric Pointon: I make a motion to approve the minutes as presented.

Jeff Baltes: Second

Motion approved and carried 5 – 0.

Melissa Mischke: So this evening, I want to remind everybody to turn your cell phones off or put them on vibrate, whichever you're more comfortable with. Petitions are the only time when you are able to remonstrate, you get 3 minutes. Everybody gets 3 minutes. So you're either for a petition or against a petition.

With that said, petition #3, if you're here for that petition tonight, petition #3, it has been tabled until our October meeting. So petition #3, if you're here, we'll see you next month.

I will entertain a motion to remove petition number one from the table.

Eric Pointon: I make a motion to remove Petition 1 from the table.

Jeff Baltes: Second

Motion approved and carried 5 - 0

1. Petition for Special Exceptions for Bluestem Solar Farm, LLC for approval of a battery and storage facility on the south side of East Scholl Road and north of East 50 North, Rolling Prairie, Indiana, 46371, being located on a portion of the parcel located in Kankakee Township Zone Ag.

We tabled this and I believe we had requested some additional information. So Attorney Novak, if you'd like to come up. I do know that the board has received some communications that we did get responses from other county offices. And as I recall, they were all favorable.

Mike Polan: I think so.

Melissa Mischke: Yep, I think so too.

Attorney Novak: Good evening, members of the board. My name is Anthony Novak, attorney with Newby Lewis, Kaminski and Jones, 916 Lincolnway, LaPorte. I will give you as much information as you would like, but I will keep it brief since public comment was closed.

We had the presentation last month, and Mr. Oss proposed a couple of revisions to the conditions. It was either Mr. Oss or maybe Mr. Pointon that then said, hey, can we get some input from the local agencies and then come back here September 15th. So later that week, I talked to Mike Polan to kind of go through who he thought we should reach out to. He confirmed LaPorte City Fire Department, since they would be the responding agency, Kankakee Township Volunteer Fire Department, Pleasant Township Volunteer Fire Department, LaPorte E911, LaPorte Emergency Management of Homeland Security, LaPorte Hazmat, and LaPorte EMS.

On August 24th, I sent out a bunch of emails that kind of described what we were doing, had a link to our application emergency plan of everything else, copied the members of our team, including Pedro, and invited anyone to ask questions. And up until yesterday, we slowly got responses from everybody. I put that together in a summary that I sent to Mike Polan just so that you guys could have a table. The comments were either favorable in the sense of everything looks good to no questions, no comments, no issues. Rob Sabie, for example, has been very busy with everything going on, but one of his emails indicated that

he talked to Jeff Hamilton and he doesn't really have any issues. There were some miscellaneous requests, like Chief Snyder wanted to make sure that we were going to comply with the latest version of the International Fire Code, which is 2024. Pedro confirmed that we are, that was a revision that we made in our conditions.

To Jeff Baltes's point, he asked, hey, what if there was some requirement for mutual, excuse me, for equipment for some of these volunteer fire departments? It's been not identified what that would be, but we said, look, yeah, we're happy to sit down upon mutual agreement. We'll get you that additional equipment. Then there was a request from one of the volunteer fire departments, I'm not sure which one, to have a water tank on site, which we did. We're going to do 25,000 gallons, which they said would be satisfactory to them.

Then just one last recap and then I'll summarize it. I then took notes on what Mr. Oss requested when he went through the conditions last meeting. Specifically, there were references to the emergency responder training, basically saying that if they request it, we will provide it. He wanted it to be, we are going to do it unless they defer. We modified the condition to provide for that. Mr. Oss then said, hey, can you remove the limitation that you're going to remove facilities only up to a three-foot depth on decommissioning? We said that's fine. So we took out that limitation. So we'll just take out all the facilities.

Then Mr. Baltes then talked about if there was a request for the equipment. What I then sent Mr. Polan was our red line conditions, which I'm not going to go through, but condition 10 put IFC 2024. Condition 14 put the provision that we are going to provide annual training, including materials unless they defer. Item 20, we revised the three-foot limitation on the decommissioning. There was a duplicate of doing yearly EMS training, so we struck that it just repeated itself. We then added, because I think this was a request, if we can periodically meet with the local fire departments to discuss their needs, we added that, and then we specifically added the 25,000-gallon tank.

So basically what we would do tonight is just request that if you would entertain approving the petition, it would be approved, conditioned upon these revised conditions. So I don't know what you guys would like to do, but I did still bring the team here. Pedro's here.

Melissa Mischke: I see that. I thought Pedro was going to join us remotely. You must just need to cool off up here.

Attorney Novak: He couldn't miss it. So I'm available for questions, but that's a summary of where we are.

Melissa Mischke: All right, board. So public comment remonstrance is closed. So I think if we have any wrap up questions, then we should move to a vote.

Eric Pointon: Just got a question about this water tank. So in the winter, is it going to be a frozen pond or is it a heated tank and that's all?

Attorney Novak: Anybody on the team know about the tank? There you go.

Melissa Mischke: See, we brought Pedro back for a reason.

Attorney Novak: Thank you.

Pedro Durate: Good evening, everyone. It's nice to be back. Yes, to answer your question, so when we go through the design process and the application process for the water tank, it'll take into account the location and the need for any type of liner or heating to ensure that the water stays within the temperature that it's supposed to. There's a water level; there's a temperature level as well. So, all of that will be monitored through the fire control panel, the main fire control panel, and we'll have visibility into that all the time.

Eric Pointon: So they were just asking for that to be able to pump water if there was an issue?

Pedro Durate: So, yes, so the water tank will be there for, let's say, brush fires, structural, you know, if you need to cool off certain units, things like that, and most importantly, for the use as they see fit as well. So it's not necessarily just for the site, for whatever need is on the site. But if they need to, you know, quickly access some water, they have the water available to them as well.

Eric Pointon: Okay. Thank you.

Pedro Durate: Yes, sir.

Jeff Baltes: Pedro, you can stay there if you don't mind. I brought up toxic gases last time. You said they will release no toxic gases.

Pedro Durate: Okay. What I believe I said is the testing that it goes through the UL 9540 also referred to a large-scale fire testing. It lists the composition of the off gassing, right? So there are some gases, carbon monoxide, carbon dioxide, let's see if I recall like right off the top of my head, carbon monoxide, dioxide, hydrogen, and I believe methane. And between those four, it's basically about 98% or the other 2% are, you know, other hydrocarbons. Now they're concerned about those gases hitting a certain area. There is none because of the type of gas and also the amount, if you will, because it is a constant we talked about in the worst-case scenario, in the likelihood, unlikely event that something does happen, it will be isolated to 1 unit. So then you don't have that big concern about, let's say, the whole site, you know, having this tremendous issue and having to deal with plume and gases and all things like that. So it's isolated, it is minimal, and there has been no concerns or no reportable quantities. Let's say 100 feet, that would be a concern for, you know, emergency

services personnel. And obviously we won't have any type of homes or structures within those 100 feet anyhow.

Jeff Baltes: The only reason I bring it up is I was reading through the first book that you gave us, that we got from you guys, and it says, gases released from BESS during thermal runaway are highly flammable and toxic.

Pedro Durate: Okay, you're looking . . .

Jeff Baltes: Highly flammable and toxic.

Pedro Durate: Yes, sir. So you're looking at the ESRP, correct?

Jeff Baltes: Yes.

Pedro Durate: Okay, so the ESRP, as I believe, I don't remember if I mentioned it last time, but I'm pretty sure I mentioned it somewhere else. The goal of the ESRP is to name out and call out all possible issues within a site. And it is not necessarily for that specific technology. It's talking about, let's say, lithium as a whole. So like there could be a possibility. However, when we do the more specific testing, that UL 9540, that's when we are able to find out exactly what the off-gassing composition is. And then from there, we take measures either saying this is not a technology that we want to use, or we may implement some other mitigating measures. But the ESRP, again, just to highlight, it covers all possible and potential issues, as well as how to address them in a worst-case scenario. So it's not necessarily this is what you have on site. It's more so these are the worst-case type of scenarios in a general sense.

Jeff Baltes: Thank you.

Pedro Durate: Thank you for reading that document.

Ernie Schmidt: Did you tell us about a containment area around this battery place in case they did use water and in case we did get contaminants? And how big would that be?

Pedro Durate: I believe the conversation around that was that the industry standard and the approach adopted everywhere is to never put any water on a container because it does more damage than any type of good. So at no point will the emergency services personnel put any water directly on a container, having an event. So therefore, eliminating that specific concern.

Within the BESS container itself, there is a secondary containment unit for anything inside, like, you know, for cooling or anything like that. But that is, again, it's within the BESS container. It is, you know, basically self-sustained. Again, through the process and the testing, there is no indication that there is any type of issues as far as like, how do we contain certain things because we don't necessarily hose them down with, you know, thousands and thousands of gallons of water. I know that there was a conversation about maybe a retention pond.

Melissa Mischke: I think we talked about no vegetation around the containers and a perimeter around it and that if there was an ignition or that it would basically burn itself out. And that's why the firemen are there at 100 feet.

Pedro Durate: That is correct. And again, unlikely scenario. The approach is to let the unit self-consume. It'll consume itself, isolated events, defensive posture for the emergency services personnel.

Jeff Baltes: So in an event, like if water were to get on it during a thermal runaway.

Pedro Durate: I'm sorry, say that again.

Jeff Baltes: If water were to get on it during a thermal runaway. What are the chances of any kind of pollution?

Pedro Durate: Okay, so the first, the likelihood of an event happening is extremely small. If you add the likelihood of someone going rogue and just starting to put water on a unit, that's also, again, kind of makes it more unlikely. If they do decide to put it, these units are sealed. So like the water, the reason why we don't put down water like that is because it is very hard for water to get into the unit itself because it is IP (ingress protection). It's built so you don't have stuff going into the unit. The points of failure, if you will, were the deflagration panels. I think we've mentioned that, these pressure relief panels, those would be the areas where water would get in. Again, if you couple that, the unlikely hood of an event, the unlikely scenario of somebody putting water, and then the water has to go into that small area where the panels are at. Again, it kind of compounds the unlikelyhood of something like that getting into it. So yeah, so that's why we don't have any type of concern for that particular risk.

Jeff Baltes: I was not going after somebody putting water on it, but there is Mother Nature that it could be in the event of a huge, huge storm and you can't control water again on it then.

Pedro Durate: That's very true, sir. I think in that event, we go back into the areas of the sections of the relief panels, which would be the area where the failure points will be. And that would be the area where water would be accessible into the container itself. And

again, having that sort of storm and having an event at the same time, it kind of makes the likelihood a little bit less. And I think that's why it is not necessarily a big concern because one, a situation not happening, two, having a storm of that manner at the same time, and three, the areas where water would potentially get into the containers. And the battery units themselves, they are sealed as well, the battery modules.

Jeff Baltes: Thank you.

Pedro Durate: Yes, sir.

Eric Pointon: Mr. Novak, I have a quick question. So we talked last time about asking the appropriate departments and all those, and then you compile that list and sent those back. So you said you're making the changes that we'd asked for. Is that part of those changes with an updated staff list and all those things? So if there is an emergency, they know how many people are working that day or is there a security guard shack or is anybody on site 24-7 or how does that work?

Melissa Mischke: We're doing monitoring. Remote monitoring 24-7.

Eric Pointon: The concern from the EMS department was if they're going there to save someone, they want to know if there's someone there or if there're three people there or. Is somebody on staff all time, or that's my question, sorry.

Kaylee Sampson: Yeah, Kaylee Sampson, 353 North Clark, Chicago, Illinois. Yes, there will be some, there are people on site during work hours. So we would have four to six technicians in an O&M building. The O&M building would not be sited directly adjacent to the battery, but it would a shared O&M building between the solar and the BESS. That site and also at all gate entrances, I believe this is in the findings of fact for the solar project and would be true here as well. We would list emergency contacts. We have stated in our emergency response plan, I believe that we would have on-site personnel or personnel on-site within 30 to 60 minutes of any event occurring. And when I spoke to the 911 department, they did emphasize that they would appreciate updated lists of emergency contacts every year. So we will do that as well. But there will be signs at the entrances with emergency numbers.

Eric Pointon: I get that part. I think they're more asking who is going to be on site at any given moment. So that way, if there is a big brush fire, if there is a big this or that, they want to know how many people or any people are on that site if they have to save them or they just want an updated list, I guess, for my interpretation of that. An updated employee list if there's two people on a shift or whatever.

Pedro Durate: So the operations team, they have a site operations manager, so he will have control of who is in during normal working hours, as well as who is on call or shift during off working hours. So that point of contact will be available to the emergency services at any time, one phone call, they would know exactly who is supposed to be on site at any given time.

Eric Pointon: Okay, thank you.

Pedro Durate: Yes, sir.

Eric Pointon: I think that was the only real two asks that they asked. A couple different department heads asked that same thing, so.

Tony Oss: The only question I had was, and I appreciate that you listened, and there's several revisions in here that were made based on the comments from the board. The sound issue, there's a sound study. It does identify potential, some need for some mitigation. But it also does recognize what the limits are, I assume, depending on the final study, whatever mitigation is required to meet the standards from the county will be made. I just want to make sure.

Kaylee Sampson: That's correct. Yes. So we have since finalized that sound study. I apologize, did not provide it, but it's much the same results. So there will be either a sound wall and/or there are noise dampeners that you can purchase for the best equipment, which would also bring us under the limit.

Tony Oss: OK, that was the only question I had. Thanks.

Melissa Mischke: Thank you. All right, so if that's it from the board, I'll entertain a motion.

Tony Oss: I will make a motion that we grant the special exception for a 55-megawatt, 220 megawatt hour BESS facility based on the conditions as outlined in this document. I'm not sure Attorney Voeltz how to best enumerate that, but I believe this is version 10. It's noted on the bottom that was submitted to us. That the application meets the requirements of a special exception under the JZO.

Melissa Mischke: Okay, I have a motion. Do I have a second? I can step down and 2nd the motion. I second. Motion and a second to approve.

Motion passed 3 - 2.

2. Petition for Variance of Developmental Standards and Petition for Variance of Use for Cindy McCain for converting four (4) grain bins into a guest home for a sewing retreat. All grain bins will be connected by a breezeway, radiant floor heat, kitchenette and bathroom, and there will be a roof to tie them in. This property is located at 0626 N 250 E, LaPorte, IN, Kankakee Township, Parcel ID No. 46-07-33-100-015.000-052, Zoned R1B on five (5) acres. (Tabled from August 15, 2026)

Melissa Mischke: I will need a motion to remove this one from the table.

Ernie Schmidt: I make a motion to remove from the table.

Jeff Baltes: Second.

Motion approved and carried 5 – 0.

Melissa Mischke: We'll see if your legal work is okay.

Attorney Voeltz: Madam President, in that this matter was tabled from August 15th, 2026. Notice was adequate as of that date, so therefore notice is adequate for today's petition to be heard.

Melissa Mischke: Okay, thank you. If you would state your name and address for the record.

Cindy McCain: Cindy McCain, 626 North 250 East, LaPorte, Indiana.

Melissa Mischke: Okay, Cindy, talk to us a little bit more in detail about what your plans are with the four grain bins.

Cindy McCain: Okay. They are sitting on my property as we speak because I had to move them. I got them from my aunt. She has since passed, and I'm getting her estate settled. I wanted to put some of her belongings in that, in the grain bins and make it just a place for my family to hang out and do crafts, so whatever. It's a playhouse.

Melissa Mischke: So you won't be renting space at all?

Cindy McCain: Oh, no.

Melissa Mischke: For family use only? And no living space?

Cindy McCain: Yes. I guess you could probably live there if you wanted, but I don't want to, no, I don't want people living there.

Melissa Mischke: Okay, we can put a restriction on it if we decide to approve it. That is something that we could restrict.

Cindy McCain: That's fine.

Melissa Mischke: As long as you're good with that.

Cindy McCain: My grandkids are going to want to spend the night in it.

Melissa Mischke: Let's see if we have any remonstrators tonight. Anybody for or against your petition? Anybody against petition #2 or for petition #2? Anybody for or against petition #2? Hearing and seeing none, what questions do we have as a board?

Tony Oss: Are these on, these are the only things on that land?

Cindy McCain: No, I built a home there probably two years ago.

Tony Oss: All right. I was looking at it.

Cindy McCain: There's actually 13 acres there that I own. I had the first 5 acres and then in the last year and a half, two years, I bought seven more.

Melissa Mischke: And you, kind of have it up in that northeast.

Cindy McCain: Yes. Yeah, the house is backside. Yeah. It's a barndominium.

Melissa Mischke: Tony, it's like open this. OK, let me check that. OK.

Eric Pointon: What's the condition of these bins? I'm actually familiar with these bins. How are they like to make a home out of them? Are they structurally sound enough to do that?

Cindy McCain: We picked them up with the crane and moved them over together. I think so.

Eric Pointon: Okay.

Cindy McCain: They're older.

Eric Pointon: Well, I know the bottoms were all rotted out and all that, which a lot of grain bins do.

Cindy McCain: I, for my business, we do non-destructive testing and I did ultrasonics around. That shows us the bad parts to get rid of. I tested where we needed to cut them.

Eric Pointon: Gotcha.

Melissa Mischke: I mean, and again, we're kind of the first step of this process, right? You're going to need to work with the building department if we approve this. Their building standards are going to have to be met.

Cindy McCain: Yeah, absolutely. I want them to help me.

Melissa Mischke: Yeah, absolutely.

Tony Oss: But your plan is to have, from the diagrams we have, your plan is to have plumbing out here. Is that correct?

Cindy McCain: I want plumbing and, yeah, I want a bathroom in there. Yes, absolutely. And water. It's honestly an art project for me. What it is.

Melissa Mischke: What would you do with these green bins if we did not approve this permit?

Cindy McCain: I would cry a lot. They belong to my aunt and uncle, and they're both gone. I don't know. I was in a situation with her illness and the weather. My son said, Mom, I'll move them for you. And he did.

Melissa Mischke: So we kind of have the variance of use and the variance of developmental standards when you're making a motion to make sure that we address both of those.

Tony Oss: I'm a bit challenged and not because I don't understand what you're trying to do, but part of what we have to understand is if there's something unique going on about the property or what you're trying to do that's for us to grant a developmental variance, and that's just part of the standards we have to go by.

A use variance, you know, we have to demonstrate some sort of hardship for a use variance. That's where I'm struggling. And that's just, that's not my opinion. That's kind of the way that I, the rules we have to follow.

Is there anything unique about that property or about these bins other than obviously the personal connection to what you're trying to do. This is essentially an accessory structure, but then the development. Right. I'm trying to remember what the use. Like, what's driving the use variance, just so I'm clear? Remember what section we're talking about here that drives the abuse experience per se?

Mike Polan: If I recall correctly, upon speaking with the petitioner, it was going to be a sewing or something retreat.

Tony Oss: And I think we've cleared that part up, right? So there's no, I think the retreat thing, I think threw us all for a loop. I understood it the same way as you, so I don't know that because there's no rental. And it's not being used, it's a personal use item.

Melissa Mischke: Correct.

Tony Oss: And maybe that use variance isn't, we're looking more at just a developmental standards variance. Okay.

Mike Polan: Agreed.

Melissa Mischke: That would definitely help.

Tony Oss: Yes, that would definitely help.

Cindy McCain: I have several people in my family that like to sew and it's just, it would be a great place for us to bring our sewing machines and sit and sew, you know.

Tony Oss: No, I completely appreciate what you're trying to do. I get it.

Cindy McCain: But I have a business right now and I don't want another one, so no, I'm not doing that.

Attorney Voeltz: Madam President, as a point of order, the petition before you is, for all intents and purposes, 2 petitions. It's for two different variances. One is for a variance of developmental standards and one is for a variance of use. If you determine, if the board were to determine that one of those variances is inapplicable, there does not need to be a vote on both in a manner in which both are either approved or denied. It would simply be that you would make a motion to approve or a motion to deny either one. They don't have to go conjunctively or concurrently. And I think Mr. Oss's point is well taken that it is a bit of an overlap, but then the petitioner has indicated that as far as for a use variance, that technically is not there based upon the manner in which the property is zoned.

Melissa Mischke: Thank you.

Attorney Voeltz: If that clears anything up.

Melissa Mischke: Yeah. We have this awkward silence right now because everyone's trying to figure out wording, what they're going to pose. They want to do it very carefully to entertain a motion. I am absolutely prepared to entertain a motion.

Tony Oss: I'm not going to enumerate the section because I don't remember which ones it was going to be, but I will make a motion to grant the developmental standards variance that would apply to the accessory structure and to the use the addition of plumbing only as outlined on this sketch that was provided. Based on meeting the criteria for developmental standards variance specifically that by granting this, we're granting the appropriate, the necessary preservation of enjoyment of your property, similar to those properties around you.

Melissa Mischke: Would you like to include any constraints as to?

Tony Oss: Well, yes, I think that based on the fact that we're not granting the use variance, there's no rental allowed of the, you can't rent it to anyone. It's not going to be used as a residence and a permanent residence or rental at this time.

Cindy McCain: No.

Melissa Mischke: Good job.

Tony Oss: Thank you.

Melissa Mischke: OK.

Jeff Baltes: I second that.

Motion passes 5 - 0

Melissa Mischke: Good luck. I'm interested to see how they turn out.

Cindy McCain: Come out and see.

Melissa Mischke: Make sure you work with the building department. Thank you.

Cindy McCain: Thank you.

Melissa Mischke: All right. Petition #3 this evening, as I stated, has been tabled until the October meeting.

3. Petition for Variance of Developmental Standards for Angelo Karagiannakis for creating a one (1) acre parcel with one hundred (100') feet of road frontage to construct a home for a family. Entrance is off of E 400 N. This property is located at 3812 N 600 E, Rolling Prairie, IN Wills Township, Parcel ID No. 46-07-13-200-017.000-068, Zoned R1B on ten point nine two seven (10.927) acres. **Tabled to October 20th, 2026**

4. Petition for Variance of Developmental Standards for Anthony and Heather Shingler for three (3) accessory structures, two (2) in the rear of the house and the third (3rd) structure to the side of the house. (10 x 20) and (10 x 12) (rear of the house), (12 x 24) (side of the house). This property is located at 7725 W Arndt Ct, LaPorte, IN, Coolspring Township, Parcel ID No. 46-05-26-326-022.000-046 (Blossom Estates Lot 22) Zoned R1A.

Melissa Mischke: Let's make sure your legal work is OK.

Attorney Voeltz: Madam President, notice is adequate.

Melissa Mischke: Great, thank you. If you would please state your name and address for the record.

Anthony Shingler: Anthony Shingler, 7725 West Court, La Porte, Indiana.

Melissa Mischke: Anthony, this is a lot of accessory structures all at once. What do we need all of them for?

Anthony Shingler: We had just moved here in December from Porter County. So when we got this new house, there's not enough storage in it. Compared to our other house. So we had nowhere to put the lawn mowers, everything was cramp packed in our garage. So we bought the one shed. These are all pre-manufactured sheds. We bought one shed and we put the lawn mowers in it. I have two of them. One's a big 65 inch and a 48 inch. So I took care of the little shed. And then we bought the 10 by 20 to put in for storage.

Melissa Mischke: So are they already on your site?

Anthony Shingler: Yes, they are. I was unaware that we had to have a permit for a pre-manufactured building.

Melissa Mischke: For the variance, yeah.

Anthony Shingler: And then I was also unaware that you can only have one accessory building, and we actually have two.

Melissa Mischke: Well, you're going to have three.

Anthony Shingler: Well, we have a shed, an accessory, and then one more accessory. I think you're allowed one accessory, yeah, you are OK. So, then we actually have an extra, this one extra.

Melissa Mischke: So, do we have some unhappy neighbors?

Anthony Shinger: Everybody is fine with it.

Melissa Mischke Are there any more remonstrators tonight for this petition? Anybody in favor or against it? Anybody in favor or against petition #4? Seeing no remonstrators. Have you talked to your neighbors?

Anthony Shingler: I've talked to all of them.

Melissa Mischke: They're all, are they all in the same situation?

Anthony Shingler: There's too much stuff. Right. And then they're all waiting to see what happens with me because they want to put some sheds in too.

Melissa Mischke: Perfect. I like, I like, I don't know, one big one feels better to me. But let's see what the board questions, what kind of questions we have. Ernie, do you have a question?

Ernie Schmidt: Why don't you put up one large structure instead of three small?

Anthony Shingler: Well, because we already have them for one. And then for two, we keep the lawn mowers and the other star stuff in the very back. And then the front one, I want to put the electric in it. No plumbing, just electric for like a workshop.

Melissa Mischke: Eric, what about you?

Eric Pointon Nothing from the pictures of a big, a big one on top of that's a little hard to see.

Melissa Mischke: We're going to go quiet again. And I assure you, it's just we're trying to word our statements correctly.

Eric Pointon Yeah, they look nice.

Ernie Schmidt: Got these two. And this one. So he wants this one so we can have a look. Yeah.

Melissa Mischke: I can already see you need bigger buildings. Excuse me. If you're going for storage. You got to go big.

Anthony Shingler: It's the cost of these buildings, you know.

Melissa Mischke: I'm looking at these. That would never do at my house. I don't have any either, though.

Anthony Shingler: Well, they did allow us to paint the front one, so now it's all been taken care of.

Melissa Mischke: I think it looks nice.

Eric Pointon: I already told him he was going to do it, but I will make a motion to approve this. I feel you have proven the use and need for these structures on your property. And I appreciate the fact that they are painted and matched and look very presentable.

Melissa Mischke: I do agree with that, yeah.

Jeff Baltes: I'll second that.

Motion approved and carried 3 – 2.

Melissa Mischke: Okay, it's going to pass three to two and tell your neighbors we'd rather, you know, one larger structure, not in front of the house, to come see the building commissioner. Thank you.

Anthony Shingler: All right. Thank you.

5. Petition for Variance of Developmental Standards for Seamus and Emily McDermott and John and Mary McDermott for a 15' (fifteen) foot front setback instead of the minimum required 25' (twenty-five) feet, to construct a new home. This property is located at 125 Judson Rd, LaPorte, IN Center Township, Parcel ID No. 46-06-22-376-011.000-042, Zoned R1B.

Moved to the end, to see if someone will show up.

6. Petition for Special Exception for Kingsbury Investments and Enviro Recycling for the operation of a recycling facility and a bio-char operation, plastics to diesel. This property is located next to 6417 S 3rd Line Rd, LaPorte, IN KIP, Washington Township - two (2) parcels 46-15-04-400-012.000-066, Zones M2, twenty-one point three nine two (21.392) acres.

Melissa Mischke: I'm going to move petition 5 down to the bottom. If everybody's okay with that, we'll hear petition number six and then we'll see if they're back.

Attorney Voeltz: Madam President, notice is adequate.

Melissa Mischke: Great. Thank you. Give us a moment to review the information you guys have provided. If you would state. If you would state your name and address for the record.

Jim Ventura: Sure. I represent Enviro Recycling, and my name is Jim Ventura.

Melissa Mischke: Jim, I'm going to need you to explain this to me, like in detail, because I... When I started to go through this packet before, I'm confused by this. This one that identifies some sites, but I can't really get my head around, where they're going to go, what's going where.

Jim Ventura: The packet that you just received is the same one that you had two weeks ago. Nothing different. We just got some support letters on the back of the package. And the reason that we handed that out, because this time, you know, we numbered every page so you could follow my presentation.

Melissa Mischke: Thank you.

Jim Ventura: So again, we are Enviro Recycling, and we are requesting a special exception use variance to develop an Enviro Recycling campus, a state-of-the-art integrated waste processing and green energy campus to be located at 6419 3rd Line Rd. at the Kingsbury Industrial Parks M2 Heavy Industrial District. The project represents a multi-million-dollar private infrastructure investment in La Porte County that aligns perfectly with industrial parks heavy manufacturing district. While introducing clean, green technology, the paradigm shift in waste management, moving away from the traditional landfilling toward a circular economy, extracting maximum value from municipal, industrial, and agricultural waste streams to campus, will position La Porte County as the leader in the regional sustainability while generating significant local tax revenue and creating over 100 construction and 155 permanent high-quality jobs for our local residents.

Slide 3, who is Enviro Recycling? We are a company that brings a team with over 20 years of experience in design, engineering, construction, management, and operation of municipal solid waste facilities and includes local owners.

Page 4 is the one that you want to clarify. The reason I put this in there is because I wanted to show the board where Hupp Road was at and where Central was at. We are on Third Line Road. You can see the yellow. It's marked 3A, 3B, and 2. Now, we used to be on number 6 on Fifth Line Road. We previously have an active, actually, variance approval for a material recovery facility. The reason we moved from 5th to 3rd was because 3rd is actually well-paved. We have better access and it's better to create a campus atmosphere for what we want to do. So there were all the amenities and plus the utilities are in the three parcels that we're looking at. You have utilities there before, we had to bring utilities 1000 feet, 2000 feet.

Melissa Mischke: That's really the only reason you guys are here is because you're moving from Fifth Line Road to Third

Jim Ventura: But we're adding two more, two more businesses. And that's really it. I don't know if you want to call it an amendment or I don't know. I'm not legal.

So what is the Enviro Recycling Campus? It will include a material recovery facility, a biochar facility, and a plastic to diesel. The facility will feature highly integrated material recovery that specializes processing lines designed to divert valuable materials from landfill. We will process municipal solid waste. There's no change in the material recovery facility. Everything is exact. We're going to still process the municipal solid waste, the 600 tons like we got approved for. We're going to be using the magnets, screens, and so forth. And we're also going to be doing the C&D 200 tons, everything from the same 75,000 square foot building and so forth. We are going to be adding, again, a biochar facility and a plastic to diesel.

Page 6, as you can see, a close-up of the Enviro Recycling Campus site on 6419 Third Line Road. You can see that on the previous I showed you, you see 3A, that's for the plastics recycling, that's about 5.3 acres. You will see 3B parcel, that'll be the biochar facility. And then parcel 2 is a material recovery facility. And you can see a Third Line Rd. where it goes on the exhibit. And also, you'll see where there's a road that goes through Helena Company that'll be used, the road access to go into the plastics recycling.

Page 7. Again, just focus on the material recovery first. We're going to be having a 75,000 square foot building, 600 tons of residential, 200 tons of C&D. The recycling equipment is provided by General Kinetics throughout Illinois, all USA companies. The equipment will separate cardboard, glass, metals, paper, wood, and plastic. And we're going to also receive tires, and we're going to recycle them into useful end products. The building is fully enclosed, 24-7 security. Outside would be paved, swept daily. The facility will be completely landscaped for a green campus look.

There's going to be an educational component also that schools will be able to come and see how recycling, which is a very important part of the environment, is done. We're also going to be giving our scholarships and so forth.

I have a diagram of the Enviro Recycling Material Recovery Facility. As you can see, we have a line for the MSW, and we also have a line for the C&D. I'm not going to give real, real detail, but I'll touch on it. The material will come in on the tipping floor, as you see where it says receiving tipping. Then it'll go on an incline conveyor. It'll go through a bag opener for the plastic bags. And as it moves down the conveyor line, there'll be what we call a finger screen or shaker screen that'll shake the material. All the small particles fall down. The big stuff stays on top. It makes it easier for separation. Then we'll actually have a manual sorting line where they would take out the paper, plastic, and cardboard. That's going to be their focus. And at the end, we're going to have either a shredder or we have a baler. We'll bale the paper, plastic, and cardboard. We'll bale the plastics also. And then the wood that we separate we will put it to the side where we will grind it off the C&D line. All those products will be going to an end user in Chicago, and it's kept out of the landfill. Everything that's left is called RDF. Those are the paper that cannot go to a paper mill. We will bale it and use it. A cement kiln in Chicago will use it as fuel to fire up their facility. So 95% will be

diverted from the landfill, which the state of Indiana wants to do 50%. We're doing about 95%.

Melissa Mischke: Jim, does that include plastic bags? Because I know that's one thing that we don't recycle here locally is plastic bags.

Jim Ventura: Yes. We will recycle plastic bags also. And you'll see how this is going to tie into the plastic.

Melissa Mischke: Okay, perfect. I'm sorry I got excited.

Jim Venture: No problem. I was actually going to stop and say any questions, but that's in proper form. Okay. Again, I'm going to show you the picture of the material recovery facility that's on parcel 2, how it fits into that parcel and you see the landscaping. So we want to make this look really classy and really look like it's not just recycling, what people think of transfer stations dirty and this. No. Everything is inside, everything's clean, no odor. Again, state-of-the-art, very well landscaped. It's going to be unbelievable. It is. Here's a picture of the kind of a 3D picture of the material recovery facility. As you can see, the landscape again, it looks more like a campus, actually looks more like a small college. If you look at it, you can't even tell what that is.

Moving on, we are going to have signage, typical signage. It will be on the property, on the material recovery facility, which will tell you that we don't accept hazardous material and so forth. We're also going to have a spot, a safe spot, where the residents could come in and drop their trash off on Saturday at a reduced rate.

Now, moving over to the next facility, which is called actually a bio-char facility, and I think that's on parcel 3B. The bio-char facility, we are partnering with a company called Pyro Nexus out of Fort Worth, Texas. Pyro Nexus has been involved with ARDI probably 15 years. They have done pyrolysis units for biochar, and they have probably 15 of these units all over the place. We are going to be doing 3 units on the site. They are closed loop. I have a picture of the unit on the next page, which is page 13. As you can see, the unit itself, I'm going to try to explain it the best I could. The wood chips will come from the material recovery facility. Remember I was telling you guys it was coming from the wood that we separate clean wood. We will chip it to three inches and we will take it over to the biochar facility. There will be 90 tons a day, 3 units, and the chips will come in and this unit will chip it to another one inch. It'll go through the system where it'll be at a 450-degree temperature. It'll turn the wood into what they call char, the biochar. There's a cooling screw in there that cools it down, and then it's bagged in super sacks, as you can see in the picture. Those sacks are actually fireproof. They're 300-pound bags. And once they are sacked, we will take them into the storage unit, which shows on the next slide 14. It shows the bio-char facility itself. You can see Third Line Road there to the left. To the top, we have a 10,000 square foot building, which will have the offices, and it'll have the storage. The trucks will come in through the Third Line Road, and they'll have two different entrances, as you can

see. The trucks back up, they dump the wood chip pile. We're going to have a carport type roof over it. So in the winter, the snow won't wet it, keep it dry. And immediately you see the three units.

Once they produce the biochar and they're put in sacks, it will be taken in a skid steer right to the storage. Once a week, the buyer will pick up the bio-char, and there'll be a truckload. And this bio-char is very, very valuable. I don't know how much you know. I think you have a farmer on your board, right?

I don't know which one it is. One of them is a farmer. Which one is a farmer? Both of you. Oh, oh, you both are. So this is something I think very interesting to you guys. Bio-char is actually 100% organic. I talked to a lot of farmers that use chemicals or nitrogen, which are very expensive. This would be way reasonable. Maybe one farmer told me it was 7000 tons. I think this would be something like 250. And it's a soil amendment. It actually helps nutrients. It helps stop water from running off. It locks in your liquid fertilizers, nitrogen, and phosphorus, prevents leaching into local watersheds, minimizes fertilizer runoff, and allows the farmer to get higher crop yields for less chemicals. There's also a program called 336 Farm Bill. I don't know if it's a federal program. And I've talked to the state, Senator Young, which it's approved and active. So we're going to meet and try to work with that program for the farmers. And it actually pays you guys to buy our product.

Melissa Mischke: Is it high in carbon?

Jim Ventura: Yes, about 75 to 80% carbon content. And again, that program, that program talking about the 336 Now is on the state level also, sort of a federal, that would pay the farmers a good, good, good amount of money to take the fertilizer. And we're going to target, you know, the Indiana farmers, obviously, maybe lower Michigan. So this is an unbelievable project with the product it creates.

Now I'm going to go to the last facility, which is a plastic to fuel. We are partnering with a company called Region Fuels out of Jacksonville, Florida. They have probably in about 10 different countries this technology and they have one in Puerto Rico, which is EPA Region 2, and they got permitted in 2023. They actually got an exemption. They didn't even have to get a permit. That's how little the emissions are. They were given an exemption and have been operating very profitable, very good in Puerto Rico for the last three years. And the technology itself comes in modules as modular. As you can see in the picture, we have 4 paralyzers. Those are the big tubular types. They each do 10 tons of plastic. We're going to be doing 40 tons per day of plastics. And those plastics come from the material recovery facility that we separate and we bail and we take it over to the plastics to fuel. So you see how the campus itself is circulating. The product is limiting truck traffic, and is limiting outside traffic from coming in. It's creating a lot of jobs.

The building is actually a 10,000 square foot building. It takes less than an acre. It's very compact. And I could explain very briefly how it works. We take the plastics, 10 tons, one unit. It's a big door. If you see the picture on page 17. Right here is the pyrolyzer. It has a door. You dump in the plastics and immediately the pyrolysis unit, it's no oxygen. It heats up and melts the plastic and it turns it into a liquid. Once it turns into a liquid, then the plastic, the liquid obviously is turned into a gas. And once it's in a gaseous state, then now it goes through different stages through catalytic converters and so forth, where it cleans the gas from impurities and so forth. And it takes out the wax and other things and makes it clean. and it's comparable to a low sulfur diesel, ultra-low diesel fuel. And that fuel itself from the gas is turned back to a liquid. It goes into a holding tank. The wax is separated, obviously. It could be used for other things. It does, we do about 2000 gallons a day of the paralysis order called diesel, and we'll do 8000, this facility will do 8000 gallons per day of that diesel.

Melissa Mischke: So then does it get stored on site?

Jim Ventura: Yes, there's two storage tanks that'll get stored and you'll get a tanker truck daily that'll fill up the fuel, they call it fuel trucks, fill up and go out. So we only have one truck that goes out every day. So it's not like a bunch of traffic and coming in and out, and I know that's probably one of the concerns and questions, too.

Now, this is the parcel. For the plastics to diesel, is again, like I was explaining earlier, we're going to come in right through where Helena is at, of Hupp Road, through the back road there, and into the facilities. You can see it's very compact, very safe. The system itself has automatic shut-off valves in case something happens. There hasn't been one fire or explosion at all. And it was very safe, and it created a lot of jobs. And I could say that, again, creating, as you've been reading, probably that Iran war, and I think this may be getting off the subject, but I think they bombed a Russian oil field, and diesel has gone up to at least 6 bucks. And this is crucial because we're producing our own diesel for LaPorte, which we can keep the prices very reasonable compared to what the market says, and it's going up. So, you know, gas is high and diesel. So I think this is crucial for what we're doing.

The next page, 19, shows you a little bit how the Enviro Recycling Campus looks. As you can see here, we're going to have signs, beautiful signs coming out from Third Line Road. We're going to have everything fenced in. Everything is going to be landscaped. And it's going to, it's just going to be, it's going to have a big positive impact on the Kingsbury Industrial Park. Honestly, I think it'll have a bigger impact than a data center. I might be speaking out of line, but it might just have. And I think we were involved. I was involved personally in the Nexus project that was there on the 5th. I started that project from scratch. And that's also a very good project. I think this project is better.

Melissa Mischke: Okay.

Jim Ventura: This is the environmental impact. It reduces greenhouse gases equivalent to bulldozing 100 square miles and planting trees, removes waste from the waste stream, reduces dependence on landfills, embraces practice and policies that dramatically reduce the footprint.

What is the local impact? Local impact and job creation? I think we're going to be an immediate economic driver in LaPorte County. The geometrics it's going to provide a lot of permanent full green collar positions, spanning from heavy equipment operation, advanced system technicians, laboratory, control analytics, logical, coordinator, site management. They're going to have a bunch of ancillary jobs, truck, heavy freight, local, vendors, and so forth.

And the final page will be what is the campus economic direct and indirect impact? The material or recovery facility alone will do about 60 full-time jobs. The campus itself will produce over 120 construction jobs and also 155 full-time jobs, which will have full benefits, 15 to \$40 an hour.

Now, there's more, like the commercial. There's more. But wait, there's more. Okay, we're going to do an unbelievable affordable housing program. So we are going to work with the commissioners, the council, the planner, everybody in LaPorte to try to take some of these houses that need to be demolished or rehabbed. And we've gone through our company. We're going to charge anybody anything. We're going to work with you guys. We're going to rehab them and make them beautiful. And with that, in partnership with two banks, I'm not going to say their names now, but we're right now talking to two local banks. They're very excited about it. And if you work at our facility and come with a good attitude, that's all we want, come with a good attitude, we will work with you and provide you an affordable house.

Melissa Mischke: Interesting.

Jim Ventura: For your family so that the American dream, you could reach it and become stable. Also, something else I think was this very important second chance program. I've heard all the time we're young, we do stupid stuff, we do crazy stuff. One young guy, I remember, so we were in another city. He sat up there, he said, man, you know, when I was 18 years old, I had a gun in my car. It wasn't registered, but the police stopped me. I wasn't doing anything with it. And I got a felony charge and I haven't been able to work. So I'm selling drugs to support my four kids. I said, well, you know what? I said, listen, once we hopefully get approved, I said, we're going to build this unbelievable campus where a person like you needs a job and you really do anything that crazy, done crazy, silly, stupid stuff. You could come and work for us and we will guarantee your job. Just come with a good attitude to come on time.

Also, think about this. By creating 155 jobs, it's going to have a big impact. That means people who have spendable income in La Porte County, people who will buy houses, cars, purchase, spending, restaurants, eat, all the businesses will benefit. You'll keep things out of the landfill and create useful products to help our environment. I could go on for hours talking about this. And this is the end of the presentation.

We do have a couple letters, support letters that were in your packet. One was from actually the fire department that we met with, Chief Jeff, and he loved it. And he said, man, this is good. We got an entrance for the fire department. We got the turning lanes for them. My brother was a fireman for 42 years and a chief. So I know all about fires. And we did everything. And he said, Jim, this is good for us, what you're doing. And he says, man, I love it. So I'd like to thank the zoning board members for allowing me the time to present this very, very important project to the LaPorte County and respectfully for taking your time. Thank you so much.

Melissa Mischke: Thank you. Let's see if we have any remonstrators for this petition. Is there anybody in favor or against? I see some people standing up. If you want to have a seat, Jim. We'll get you next.

Steve Holifield: Good evening, LaPorte County Commissioner Steve Holifield, 555 Michigan Avenue. Mr. Ventura met with us earlier this week. It's an outstanding program. I also serve on a solid waste board, and we looked at this also. We looked at purchasing a biochar outfit ourselves. Well, it's a better idea to let him have the biochar outfit spend the money, take our yard waste. He's doing great things out there at the other place already taking in food waste. It's supposed to open at the end of this month, I believe.

He's talking to people around the county. They'll take tires because tires are a problem no matter what, because nobody wants to take them, but they'll take them for a fee. He's going to create jobs. No better thing to do inside the industrial park out there is to put an industry out there. Here, it's a perfect place. It's much better than destroying farmland like you're doing outside of the county now. So this is an industrial park. It needs to be developed. I've been involved in that park for 52 years of my life. It needs to be developed, period. He's met all the rules and regulations that we've asked him questions as far as keeping it safe, clean, and what he's going to do for affordable housing and to help felonies, that's an even better idea. So I'd like to see you grant this petition. Thank you.

Melissa Mischke: Sir, if you'd like to come up.

Earl Miller: Hi, my name is Earl Miller. I work at Tyler Industries in both LaPorte and Kingsbury. Kingsbury Castings is on 3rd Road, just immediately to the south of the proposed campus. So generally, we would be in favor of having this type of industrial component. We did talk to Jim. He did make contact with us. You know, as long as he follows all the P's and Q's of everything that he's supposed to do with, you know, IDEM and, you know, that is in a five-year recharge zone of the well B there. So we just got to make sure

that all, I mean, everything you've said is all your liquids will be inside and so on. You know, we don't want to do anything about that. So he wants, it seems like Jim wants to be a good neighbor to us and everything that we've talked about. I mean, if he comes through with that, that's great. We're going to be great neighbors for years. One thing I have to bring up, and it's funny that Jim even mentioned this as the reason that he moved from his Fifth Line Rd to Third Line Rd. is, voila, Third Line Rd is paved and is well paved.

Melissa Mischke: And no one's shooting at him.

Earl Miller: What's that? No one's shooting at them. Oh, I didn't know anyone was shooting over.

Melissa Mischke: No, the shooting range. So there's no shooting range in the area. Yeah. OK, sorry I said that. But yeah.

Earl Miller: Yes. So, you know, Kingsbury Castings and Hiler's have been a huge contributor to Third Road. And we had this consortium of neighbors that we were all working together, Steve can vouch for that, because he knows some of the details. And then the county came in and tried to eminent domain it and take it away. And it just, we tried to work with the redevelopment commission and it just fell apart. And now everybody out there thinks, well, the county is eventually going to take over the roads. And so we don't need to put anything back in. So meanwhile, you know what's going to happen. So I know Jim has in his packet, it says \$50 million is going to be put into here. Just a small sliver of that could pave, you know, from Hupp to your location would go a long way towards.

Melissa Mischke: All right. I'll let you come back up and you can get that on record here in a minute.

Earl Miller: The only other thing, and this may be weird, you've chosen a weird address number beginning with a six. Ours begins with three and we're further south. So I don't know how that came about. And maybe it doesn't make sense or maybe it does make sense. Maybe it does in the grand scheme of things. But ours has been in the three 3232 and kind of they go they grow as they go south. At least that's what we've tried to do.

Melissa Mischke: So I think that's something that the building commissioner's office can look at, make sure everybody knows an address and how to get there. And, you know, I always encourage fire and EMS and things like that to make sure they're made aware of the address as well and what kind of activities go on there.

Earl Miller: It's super confusing. One last one last thing with the number of trucks in his Gary proposal was about 250 trucks in that proposal. So I just wanted to emphasize there's going to be a lot of trucks every couple minutes. There's going to be a big semi-truck going down the road. Thank you.

Melissa Mischke: Thank you Let's see if there are any other remonstrators. Anybody else? For or against? Okay, come on up. Yeah, don't jump up there.

Rodney Peters: Hi, my name is Rodney Peters and 15615 South Wanatah. I own some property near this location and I just got the letter yesterday and I didn't know anything about it. I didn't see it in the Regional and all that. So this is all brand-new information to me. So I really not for or against it. I just like more. Some additional information. Just so I know, I'm familiar with Steve, so I can probably work with Steve a little bit on. I can get some information on this.

Melissa Mischke: If it's all right with Jim, I can give you, my packet.

Jim Ventura: Sure. That'd be fine if you OK with me.

Melissa Mischke: Wonderful. Thank you. All right, any other remonstrators? This is your last chance. Come on up.

Jim Whitfield: I have a property there on 3rd Road too.

Melissa Mischke: What's your address, Jim?

Jim Whitfield: The address there is 6417 Third Line Rd. My home address is 4163 North 600 West here in LaPorte. We bought the building a couple of years ago to do some industrial recycling with soap from the soap guy whenever he was out there. Okay. So far, we've not done a whole lot in that building, but I do own the building. But I do think, just like everybody else, this type of system is needed here in this general area. There is a lot of, I do industrial recycling elsewhere, but there is a lot of need or to keep the stuff out of our land fill. You know, we keep hearing these people say that, you know, they're recycling when a Dell gun truck goes right to the garbage place. I've watched him, I've seen it firsthand, so I think this would be a good system for the county.

Melissa Mischke: Very good. All right Thank you. All right, Mr. Ventura, come on up. So we're going to talk about this.

Jim Venturs: It's not a problem. Wait, meetings with Mike, and we've had all kinds of meetings. OK, taking it over. I think it's kind of complicated probably, but I will say on record today that we will definitely pitch in to keep that road nice. It's nice right now. Fifth is horrible. Okay. And central, actually, half of it is horrible. So 3rd is beautiful. Hupp Road obviously is the main road. We want to keep it nice. We definitely want to keep it safe. We will put signs out there. And not only that, we're going to have cameras that is going to protect their properties 24 hours. We're going to have security and make sure that there's people that dump illegally out there. We're going to stop that too.

Melissa Mischke: So, OK. What kind of questions do we have as a board?

Eric Pointon: Obviously, the whole time I have truck traffic, truck traffic, truck traffic. Are you going to utilize the rail to bring anything in? What's the perimeter of the products you're bringing in? Where is the stuff coming from?

Jim Ventura: Okay, the wood and plastics are coming right from the material recovery facility. The people that are bringing in, not far from La Porte County and also just on the tip of New Buffalo, so it's close by. It might be a perimeter of about 15 miles, maybe the most, 20. Something like that, maybe 15 perimeters. That's where the waste comes from.

Eric Pointon: And then the projected trucks, you think, for the trucks, entire project with all the businesses?

Jim Ventura: Total, total. What he mentioned, I know, but that was a different project. That was a huge project. At the time we were doing, we were going to do like 2500 tons to 3000 tons. This is 600 tons of MSW 200 C&D total for the whole campus is 32 trucks the whole day. That's about two trucks an hour. In and out, probably, two trucks going out. That's it. Because the biochar does 22 tons, which is 1 truck, and we only deliver that once a week. The plastics, it's a tanker that we take daily, so that's one truck. The material recovery facility will do 26 trucks, the whole thing. And again, that's over a 16-hour period. So it's about two to three trucks an hour. It's not a high truck traffic.

Eric Pointon: I like the perimeter. That was my big thing. I didn't want like a 100-mile perimeter.

Jim Ventura: No, it will never work. It will never work financially either.

Eric Pointon: Yeah, I get, I get that.

Jim Ventura: No, no, yeah, so we got to make our own diesel. Yeah, sorry for the phone, I thought I'd turn it off.

Eric Pointon: So you said that you were going to haul the diesel out, but then you said it could stay here to help us with our fuel costs.

Jim Ventura: No, the diesel would be for sale. We have buyers, but we're going to work with LaPorte County first. The jobs would be first in LaPorte County. The diesel will be first in LaPorte County. Everything is going to be first.

Eric Pointon: So would I have to buy it as a semi load of diesel fuel?

Jim Ventura: No, I mean, we could do something that we could sit down and talk about. I know you guys are a farm business. No, we want to work with you.

Eric Pointon: Oh, I was just curious. I'm just, I know it's not a condition at all. I'm not, it's not, that doesn't affect me, doesn't affect my decision whatsoever. I'm just, I'm just curious as to the business model.

Melissa Mischke: We're going to go ahead and strike that whole line of questioning.

Jim Ventura: Do what? I'm not sure. Now, now just. I guess you're just. I know where you can get a job.

Eric Pointon: Because he said that's going to be cheaper fuel than LaPorte County?

Melissa Mischke: I don't think anybody wants to go there. Tony, do you have any questions?

Tony Oss: I guess they're more probably for Mike. Since we went down a rabbit hole, we've made the attorney very uncomfortable, which is a good thing.

Jim Ventura: He got his head down.

Attorney Voeltz: There is the thing called the Fifth Amendment that would be very applicable here.

Tony Oss: Part of this, sir, would be there's a section in the JZO section 14.17 that discusses requirements around waste processing and disposal facilities. I assume you're going to meet all the requirements of that.

Jim Ventura: Exactly. We have to deal with IDEM very strict.

Tony Oss: Yeah, and that's this is outside of that. I think they're pretty reasonable provisions in there, but I want to make sure you meet those.

Jim Ventura: Yeah, I'm very familiar with IDEM. IDEM is very familiar with me.

Melissa Mischke: I hope in a good way.

Jim Ventura: No, it is. It is. It is. The Nexus, the Nexus projects are very difficult to do. It's complicated.

Tony Oss: This would be really for Attorney Voltz and Mr. Polan. The way I see this, what the request is, is for a special exception. We have three separate uses from what I see here, all on one parcel. I don't know. There are some specific outlines of what's permitted and what's not under Article 9 and heavy industrial. I just want to make sure that we all understand what's being requested. Processing, storage, transfer stations, disposal or

incineration of solid waste, hazardous waste, medical waste. I'm just saying that's part of the JZO. I know you're not doing some of those things, but that's just something in the JZO. I know you're not handling medical waste. I get it.

Jim Ventura: Or incineration.

Tony Oss: Or you're not incinerating. OK, so there's a non-hazardous recycling facility. I'm guessing I'm asking where we are falling here or is part of this fall part of this must fall under a special exception is what we're what I'm asking. What part specifically under your determination as the building official falls under special exception?

Mike Polan: I think when this was filed for previously, it was a special exception and so was Nexus. And these are pretty much the same or similar operations. So they refiled under the same.

Melissa Mischke: I think the change in location is probably what prompted it.

Tony Oss: Sure. And Attorney Voeltz, we could get that under a single, anything we do could be a blanket. If the pleasure of the board is to go forward with a motion, it would be a single provision to approve as presented more or less.

Attorney Voeltz: Correct. And Madam President is accurate there in that the previously applied for and granted special exception was running with that section, that area, that property, that parcel. The petitioner is indicating that the same or similar use will be present with this petition, but it is subject on a different parcel, thus the need for a petitioner to come back and again, for all intents and purposes, resubmit his petition for a special exception, even though it's, again, the same or substantially similar to the previously granted special exception for a different property. Does that make sense?

Tony Oss: Yes. Mr. Ventura, do you plan to continue operating at the other site or you're moving your operation?

Jim Ventura: No, no, we're moving the Third Line Road.

Tony Oss: Would you have an issue with the special exception being rescinded at that site? Not, I mean, if you're moving rather than have it stay open.

Jim Ventura: We're not doing anything at all. We've closed that deal out completely.

Melissa Mischke: I feel like that's not included in this. That's going to be a separate issue to, if we're going to rescind that. Doesn't pertain to this petition's approval.

Mike Polan: It's a moot point because the petition expires after 12 months.

Tony Oss: Does it expire?

Melissa Mischke: A new person would have to come in and petition.

Attorney Voeltz: It's the inactivity period that that is that is triggered, and then because there has been no activity under that previously granted special exception it will die on the vine, for lack of a better phrase, and then become, as Mr. Polan indicated, moot.

Eric Pointon: I still am a little hung up on the multiple parcels. How many buildings are there going to be and how many parcels are you going to be operating on?

Jim Ventura: Go back to that. What page is that now? It was one where it had all three on there.

Tony Oss: It's technically all one parcel. It's a very odd, but like as with normal with what's going on in KIP sometimes, it's a very odd parcel, but it's one tax ID number from what it looks like where he's operating.

Michael Polan: One tax ID number for county purposes and their plan, it's. It's called multiple parcels, but for the county's tax purposes, it's one parcel ID with a very odd shape.

Anthony Oss: They are non-contiguous. Right.

Jim Ventura: We're going to do it.

Melissa Mischke: I used to map parcels out there. It's very fun.

Attorney Voeltz: Mr. Pointon, did that answer your question?

Eric Pointon: Yeah, I'm good. You guys are good.

Attorney Voeltz: Mr. Ventura, the question was answered.

Melissa Mischke: OK, so if there are no further questions. I think I'll entertain a motion.

Ernie Schmidt: I'd like to make a motion to accept this petition for the Enviro recycling. Now I have to reason. I think it would be a very good asset for La Porte County.

Mike Polan: Would you include in your motion that you believe he has met the requirements of the special exception?

Ernie Schmidt: I believe he's met all the requirements of this special exception.

Eric Pointon: Second.

Ernie Schmidt: Very good presentation.

Melissa Mischke: Okay, I have a motion and a second. All those in favor, say aye. Aye. Those opposed, same sign. All right, good luck. Good luck at IDEM and everybody else after us.

Motion passes 5 - 0

Melissa Mischke: So we still have petition number 5. Petition number 5, are you here, the McDermott's? Okay, I don't see them, so we're going to put them on next month. Is there any other further business in front of the board this evening?

Mike Polan: No, Madam President.

Eric Pointon: I make a motion to adjourn.

Jeff Baltes: Second.

Melissa Mischke: I have a motion to adjourn. Second. All those in favor say aye. Those opposed.

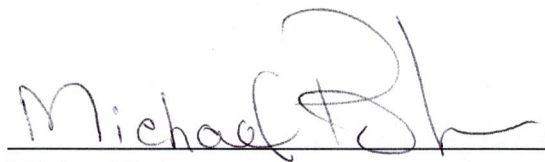
Motion approved and carried: 5 - 0

All right. Have a good night, everybody. Thank you.

Meeting Adjourned at 7:34 p.m.



Melissa Mischke



Michael Polan