

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
Mayfield Village
Nov 1, 2021**

The Planning & Zoning Commission met in regular session on Mon, Nov 1, 2021 at 6:00 p.m. at the Mayfield Village Civic Center, Reserve Hall. Chairman Syracuse presided.

Roll Call

Present: Mr. Vetus Syracuse Chairman
Dr. Sue McGrath Chairman Pro Tem
Mr. Allen Meyers Council Rep
Mr. Paul Fikaris
Mr. Jim Kless
Mr. Henry DeBaggis

Also Present: Ms. Kathryn Weber Law Department
Mr. John Marquart Economic Development Manager
Mr. Tom Cappello Village Engineer
Mr. Daniel Russell Building Commissioner
Ms. Deborah Garbo Commission Secretary

Absent: Mayor Bodnar
Ms. Jennifer Juncisek Council Alternate

Consideration of Meeting Minutes: Oct 4, 2021

Mr. DeBaggis, seconded by Mr. Meyers made a motion to approve the Minutes of Oct 4, 2021.

ROLL CALL

Ayes: Mr. Syracuse, Dr. McGrath, Mr. Meyers, Mr. Fikaris, Mr. Kless, Mr. DeBaggis

Nays: None

Motion Carried

Minutes Approved as Written

PROPOSALS

1. **Proposed Chapter 1187 Solar Energy Systems**
(Law Department)
2. **Revised Section 1149.02 Conditional Uses**
(Law Department)

OPEN PORTION

**Proposed Chapter 1187
Solar Energy Systems**

Chairman Syracuse stated, this is a regular meeting of the Mayfield Village Planning & Zoning Commission Mon, Nov 1st, 2021. We have two proposals before us that we discussed at our workshop. The first is a proposed Chapter 1187 Solar Energy Systems presented by the Law Dept. At our workshop meeting, I think what we had discussed was some language that would limit the yard panels by the area of percentage. We have a memo from Katie that everyone should have reviewed. There's just one section added;

1187.07 (e) Solar Energy Systems shall comprise only the minimum area to provide the energy necessary to serve the property.

I think that's an excellent way to take care of the issues we had and that we had raised at the workshop meeting. Katie, is there anything else you'd like to add?

Ms. Weber replied, some additional questions came in that I also wanted to address. These came from Steve Varelmann;

1. In Residential settings, it is preferable to locate the solar panels on a roof rather than on the ground. In Commercial settings, it is preferable to structure the solar panel arrays on roofs or over parking lots rather than in green fields.

Ms. Weber said, I wanted to direct you to 1187.06 which we state in the beginning of that section that "Free-standing or ground mounted Solar Arrays shall be permitted in all Use Districts, if unable to otherwise be roof mounted." So the only way that you would be able to get to even considering having a ground mounted Array System is if it can't be first put on the roof. I thought that section covered that concern and to make sure we're not approving them on ground if they could be on the roof and making clear that it's preferable that they'd be roof mounted as opposed to ground mounted.

Chairman Syracuse stated, I think that covers it. It says if unable to otherwise be roof mounted. That means it's supposed to be roof mounted. If not, then it could be free-standing or ground mounted.

Dr. McGrath asked, shouldn't it have the word "only if unable to"?

Chairman Syracuse asked, is there any other way to read it though? I think it's fine to add the word but it doesn't really change the nature to me. As an Attorney speaking, I don't see any other way to read that. Katie, do you see any other way to read that?

Ms. Weber replied, from my perspective, I think it does in the purpose of putting that language in there originally was to make sure it was clear that you could only have it to be ground mounted if it can't be on the roof.

Mr. DeBaggis stated, I think the language is fine as written.

Chairman Syracuse stated, I agree, good point Sue.

Mr. Fikaris stated, I have a point about ambiguity. According to Tony's memo, it's going to be very very difficult for me to supply my own house 100% at this point, the way the language is written. The added section 1187.07 (e) says to provide the energy necessary to serve the property. I say here's my property, I've got my roof filled, now I want to put some in my backyard. For my property needs, it would have to be roof and ground mounted. The question is, can I do both? Roof mounted panels provide "x" but I want to do some backyard so I could have "x" plus.

Chairman Syracuse replied, you're thinking I need to put them on my roof, I might not have enough, how much is enough to serve my property, I might need to put additional in my yard. Is that what you're asking?

Mr. Fikaris replied, if I got an assessment that says I would have to have "x" number of square feet, I'll get so many on my roof, can I put some more in my backyard in order to achieve the percentage?

Chairman Syracuse stated, 1187.07 (e) says;

"Solar Energy Systems shall comprise only the minimum area to provide the energy necessary to serve the property".

Chairman Syracuse said, that's the first question. So how much do you need to serve the property, you want to get 100% of your property to be solar energy. So you need it on your roof to start with because of the requirement under 1187.06 where it's supposed to be only on your roof. There's a provision in here 1187.05 for the roof mounted solar arrays.

Ms. Weber stated, they would have to be in the backyard. If it's visible from the street then you would have to go to ARB. That would be a determination that's made by the Building Commissioner.

Mr. Fikaris asked, but can I do both?

Chairman Syracuse replied, I would read that that you can.

Mr. Meyers stated, under Net Metering it says;

"The battery system is an added expense and takes up additional space. Additionally, as proposed, Mayfield Village would prohibit battery systems to further prevent commercial solar energy production".

Mr. Meyers said, in the last two months our power has gone out twice. If the power goes out, whether you have solar panels or not, you'd have nothing to back it up without batteries. When I was looking into this for my house, I wanted the batteries. You're saying it would be prohibited, how do we do that if somebody wants to put batteries?

Ms. Weber replied, then they'd need to come seek a variance. That would create some additional oversight. A lot of the ways these were structured is prohibiting the additional battery storage. It

does a couple things. It prevents somebody from trying to create enough power to then sell it or do some type of commercial solar facility. And it also prevents somebody from putting up too many panels than they would necessarily need for their house. We want to limit this so you're not having your entire property covered with solar panels. In the event you would want to put in a system like that in order to get off the grid entirely, then you'd need to come in and seek a variance.

Mr. Meyers stated, not necessarily get off the grid, but if the power goes out, it's just like turning a switch off, your solar panels aren't going to light your lights without battery backup. When the power goes out, you have nothing.

Mr. Kless asked, when the power goes out at a time of sunlight when you're utilizing the solar panels and they're generating something, wouldn't that-

Mr. Meyers replied, it won't light the lights.

Chairman Syracuse asked, what do we mean by battery system? What I'm familiar with is what Tesla offers. They used to have panels but now it's a solar roof is all they're selling. You could get the panels for an entire section, an entire roof. Then they have what's called a Powerwall which stores the energy. So what you're not using gets generated and stored into this. It can't get dispersed to any other homes, it's connected only to your home, to your meter and it serves sort of as a backup generator that people currently have and that are permitted in Mayfield Village. So if the power were to go out, the generator kicks on. In this case it would be the Tesla Powerwall or any kind of battery system. Is that what we're referring to as a battery system?

Ms. Weber replied, correct. If you look at 1187.04, last sentence;

“Cooperative facilities, electrical storage, and distribution of power are prohibited”.

Ms. Weber said, so it's electrical storage, any type of battery systems if you will would fall under that umbrella.

Chairman Syracuse stated, Tesla's selling those as a package. They pretty much go hand in hand for most people because they want some kind of generator. If there's a power outage and you want to continue to power your home, that's the only way to do it unless you have one of those battery operated generators, the real noisy expensive ones.

Ms. Weber stated, we could take that regulation out. When I was doing a survey of all the solar energy regulations out there, most municipalities limited it that you wouldn't be able to just be able to store your power on site. Which doesn't mean that you wouldn't be able to, it would just mean that you would have to get a variance and explain why it is that you want to do this. Doing some more research into how the solar energy systems work, practically speaking if you were going to put it into your home and how the relationship with the existing Power Company happens, is why I gave you the summary of how the Net Metering works. Typically, you're still going to need to be hooked up to the main power grid because you never know, what if your solar energy system dies on you. Power companies, if you're going to stay hooked up, even if the

power goes out, it's still going to kick off your system because that could screw up the main grid if you will, there's a safety provision with it.

Mr. Meyers said, if the battery goes out, you still have lights.

Ms. Weber replied absolutely, I think you have to reboot that. Initially the power goes out and if you wanted to then kick into your solar energy reserves, if you had that capability, I think you have to restart the system in order to run off of the system you have on there.

Mr. Fikaris asked, are batteries an integral part of the solar system or are they optional?

Chairman Syracuse replied, they're optional.

Mr. Cappello stated, the Police Station doesn't have a battery backup, I think they just go right into the grid. My understanding is a lot of people might have certain parts of their home on the solar, and then if they need it they can switch to electric. To run the electrical washer, dryer, water heater, all those appliances, you'd have a pretty large battery system is my understanding. If you do have a battery system, I think you have to use it every so often so the batteries don't degrade, but I'm not 100% sure on that. I'm actually looking into this for myself, those are the things I've heard. My personal opinion, to prohibit somebody from a battery system is counterproductive to me having solar because I'm looking for it in case there's a power outage. With LED lights now, in a lot of things you can run the low wattage, low usage items off of battery and use the other circuits to run from the grid.

Mr. Meyers stated, I have a sump pump, so you'd run the refrigerator and maybe the sump pump, the necessities. Whereas with solar, it won't run them with no battery backup.

Chairman Syracuse stated, what Tom explained that's pretty much it because I've seen the videos on the website of how the Tesla Powerwall works. It sends it back into your house, it pretty much is like a generator. I think that would defeat the purpose because those kind of do go hand in hand these days. Looking at the memo it makes it sound like you can't do that. Just reading the language in 1187.04; "Cooperative facilities, electrical storage, and distribution of power are prohibited". If we just clean that language up and maybe have other than for storage for your own property.

Ms. Weber stated, we can remove just 'electrical storage' from that list. We already put that additional language in there that you're only able to have enough power for your home.

Mr. Meyers asked, is the electrical storage batteries?

Ms. Weber replied, yes.

Mr. Fikaris stated, we're thinking too far into the future, we're writing this language for today because today it's not 100%. This language can be changed because it may be at a moot point after a while. This is for now and I think it's pretty solid with that battery provision in it.

Ms. Weber stated, this is a balancing of concerns. One of the ways to alleviate the concern of somebody putting in an overwhelming amount of solar panels is to limit their ability to store it, in order to make sure that they're still hooked up to the main grid. Obviously, anything that would come in would need to have a building permit pulled and any type of storage facility, batteries if you will, would need to be vetted there. If you're comfortable, we can take out 'electrical storage' from being prohibited.

Chairman Syracuse replied, to me I think that satisfies the concerns. Does everyone else agree?

Board Members agreed.

Chairman Syracuse asked, any other questions or concerns?

Ms. Weber stated, another comment from Steve I wanted to address is in terms of ground-mounted solar arrays if trees need to be removed, we have a whole Chapter 1359 that governs tree removal in the Village. I'm hesitant to put anything specifically in this Chapter regarding trees because we already have a Chapter that deals with that. In the event that you're going to take down 3 or more trees with a certain diameter, you need to seek a building permit and that's vetted through our Building Dept as well. That would provide them the ability if somebody's going to all of a sudden clear cut, the requirement to put additional trees in and make sure you're only taking out as many trees necessary for what you're doing.

Mr. Meyers stated that only pertains to live trees, right?

Ms. Weber replied, correct.

Mr. Meyers said, if you had 20 dead trees and you have to get a permit for 3, it has to be stated that they're live, healthy trees.

Ms. Weber replied, I believe it does apply to live trees, but we have a whole Chapter that governs that. So unless the Commission thinks we should have something additional.

Chairman Syracuse stated, this wouldn't supersede the tree statute. The tree statute would still be in effect for this project, because you need to seek a permit for this and if you're then requiring more than 3 trees to be removed, you'd have to seek a permit for that as well.

Ms. Weber replied, exactly.

Ms. Weber stated, and then in order to make sure that any type of facilities that would be visible from the street, that's the reason that this is going to be going to the A.R.B. and I think with this Chapter, the A.R.B. is going to have a little bit more guidance now in looking at those. Using Progressive as an example, it's more guidance when they're vetting these projects to make sure the renderings that they're provided to ask the questions; are they going to move, is this going to appear to look uneven or unlevel based on the topography of the space? My understanding is the

initial renderings of the Progressive Solar Field appeared to be level. I think with the additional guidance that the A.R.B. is going to have in this Chapter, that that will assist them in their review to make sure anything that's visible from the street is going to be able to be more visually appealing or potentially adding in a requirement for some type of screening.

Chairman Syracuse stated, unless there's anything further, I'd like to entertain a motion. But before we do that, this is really just for a report and recommendation to Council. We'll be taking a motion to recommend to Council that they approve this new Chapter 1187 for Solar Energy Systems with the exception that;

1. Section 1187.04 Use to be Accessory, in the last sentence that the words 'electrical storage' be struck.
2. We include the new Section (e) under 1187.07 General Requirements that we discussed at the beginning of this meeting.

DECISION

Mr. Kless, seconded by Mr. Meyers made a motion to recommend to Council that the proposed Chapter 1187 Solar Energy Systems be adopted as discussed;

1. Section 1187.04 Use to be Accessory, in the last sentence the words 'electrical storage' be struck.
2. Section 1187.07 General Requirements, add new section (e) Solar Systems shall comprise only the minimum area to provide the energy necessary to serve the property.

ROLL CALL

Ayes: Mr. Syracuse, Dr. McGrath, Mr. Meyers, Mr. Fikaris, Mr. Kless, Mr. DeBaggis

Nays: None

Motion Carried

Recommendation to Council

Chairman Syracuse stated, thank you very much Katie for your work on this and input on everything.

Ms. Weber replied, absolutely.

Revised Section 1149.02

Conditional Uses

Chairman Syracuse stated, the second proposal is the revised Section 1149.02 Conditional Uses prepared by the Law Dept. I would recommend and suggest that we table this because we had some concerns at the last workshop. I think rather than go through any changes tonight, it would be preferable to do at the next workshop meeting on Nov 18th. At this time, unless someone wants to try and proceed with it today, I'd entertain a motion to table this.

DECISION

Mr. DeBaggis, seconded by Mr. Meyers made a motion to table proposed Revised Section 1149.02 Conditional Uses.

ROLL CALL

Ayes: Mr. Syracuse, Dr. McGrath, Mr. Meyers, Mr. Fikaris, Mr. Kless, Mr. DeBaggis

Nays: None

Motion Carried

Proposal TABLED

Ms. Weber stated, in your packets for that workshop meeting, I'll have a revised Chapter based on what we discussed at the last workshop.

ADJOURNMENT

Mr. DeBaggis, seconded by Mr. Meyers made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 6:25 p.m.

Chairman

Secretary