

ORGANIZATIONAL MEETING  
BRECKSVILLE PLANNING COMMISSION  
Community Room - Brecksville City Hall  
January 3, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria  
Absent: Eric Lahrmer  
Others: Gerald Wise, and approximately 8 guests

Council Representative Harwood opened the Organizational Meeting at 7:00 P.M. Mayor Hruby administered the oath of office to Mr. Payto for another term on the Planning Commission. Mr. Harwood then proceeded with the election of Planning Commission officers for the coming year by requesting nominations for the position of Chairman of the Planning Commission.

Mr. Sciria nominated, and Mayor Hruby seconded, to elect Mr. Roman as Chairman of the Planning Commission.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Dominic Sciria  
Abstain: Kirk Roman  
Nays: None  
MOTION CARRIED

Mr. Harwood nominated, and Mayor Hruby seconded, to elect Mr. Sciria as Vice Chairman of the Planning Commission.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman  
Abstain: Dominic Sciria  
Nays: None  
MOTION CARRIED

Mr. Sciria nominated and Mr. Harwood seconded to elect Mr. Lahrmer as Secretary of the Planning Commission.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

The Organizational Meeting was closed at 7:05 P.M.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

REGULAR MEETING  
BRECKSVILLE PLANNING COMMISSION  
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria  
Absent: Eric Lahrmer  
Others: Gerald Wise, and approximately 8 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:05 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 6, 2018

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of December 6, 2018 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF DECEMBER 4, 2014

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of December 6, 2018 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE- No Report

REPORT OF MAYOR HRUBY

The Mayor reported that with the proposal to build a new school building at Blossom there has been some concern from residents on Glenwood and Oakes Roads on the issue of traffic flow to and from the school. A date would be set for an open public hearing on the issue soon. Mayor Hruby indicated that because we share a school system with Broadview Heights the meeting would also be open to their residents as the traffic issue would also impact Avery, Broadview and Oakes Roads in their city.

The Mayor noted there would be another public meeting scheduled to discuss zoning in the Old Town area as it related to the closing of the school and how that property might be used in the future. The school area was currently zoned community facilities and the surrounding area either retail or R8.

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

ENVIRONMENTAL EASEMENT ENCROACHMENT – 8500 CHIPPEWA TRAIL

It was moved by Mr. Roman and seconded by Mr. Harwood, that the Planning Commission recommend to City Council approval of a 6.1 ft. patio encroachment in the Environmental Easement at 8500 Chippewa Trail, PP #601-35-030, Brecksville, Ohio, as described in the application dated December 12, 2018, and attached plan by R.M. Kole & Assoc. Corp. dated November 12, 2018.

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ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

VERIZON ANTENNA CHANGE OUT WAIVE PUBLIC HEARING – 6896 W. SNOWVILLE RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Brecksville Planning Commission will waive the requirement for a public hearing to hear the request of Verizon of antenna change outs on the cell tower located at 6896 W. Snowville Road as permitted under Section 717.03(c).

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

VERIZON ANTENNA CHANGE OUT – 6896 W. SNOWVILLE RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council approval of plans for the antenna change outs along with associated equipment on new mounts at the 185' level at the Crown Castle Tower Site Brecksville (Alltel) located at 6896 W. Snowville Road, Brecksville Ohio, 44141, for Verizon in the application dated December 12, 2018, as described on the attached drawings by Harper Engineering Inc. dated November 9, 2018 and Structural Analysis Report by Pier Structural Engineering Corp. dated November 19, 2018, contingent on the approval by City Council and structural review approval.

- T-1/2 Title Sheet
- C-1/2 Overall Site Plan
- A-1/2 Site Plan & Elevations
- RF-1/2 Antenna Layout & Details

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman,  
Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting closed at 8:15 p.m.

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MINUTES OF THE WORK SESSION  
BRECKSVILLE PLANNING COMMISSION  
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria  
Absent: Eric Lahrmer  
Others: Gerald Wise, and approximately 8 guests

Mr. Roman opened the Work Session at 7:09 P.M.

ENVIRONMENTAL EASEMENT ENCROACHMENT – 8500 CHIPPEWA TRAIL

Mr. Joseph and Cindy Mauer were present to request approval of an encroachment into the environmental easement for their already constructed patio. Mr. Mauer said a 6.1 ft. long section of their patio was installed without an engineering drawing that would have revealed the easement restriction. He indicated no grade change was involved and no trees removed for the approximately 20 sandstone block patio. Mr. Maurer also noted that the paver stones were all set at the existing grade, and they could easily be removed by hand, if necessary. The Mauer's application was accompanied by a letter from the Carlyle Management Company, representing the Chippewa Trail Homeowners Association, expressing no objection to the encroaching patio.

Given the HOA's letter of consent and the negligible impact of the patio, Commission members were willing to move for a motion of approval. Mr. Payto cautioned that consideration of the encroachment should not be considered precedent setting and that any such future easement issues would be reviewed by the Commission on a case-by-case basis. The Work Session recessed into the Regular Meeting.

VERIZON ANTENNA CHANGE OUT – 6896 W. SNOWVILLE ROAD

Mr. Ryan Johnson was present representing the Verizon Wireless request for relocation, addition and new mounting of antennas at the 185 ft. level of the Crown Castle Tower on W. Snowville Road. It was noted the request included a letter from GPD Group with their positive results after performing a structural review of the proposed project. Mr. Roman noted that the Commission's review necessitated two motions, one to waive a public hearing on the proposal and another motion for approval. The Work Session recessed into the Regular Meeting for those motions.

SOLAR PANEL REVIEW

Mr. Harwood explained that the proposed revision to the City's ordinance relating to solar panels before the Commission incorporated the suggestions from the Commission, as well as consideration for the concerns of a citizen interest group. Mr. Packard included in the submission a log he prepared of the disposition of twelve solar panel requests to the Planning Commission from 2010 through 2018. All twelve requests were for solar panel coverage beyond the 25% Code maximum. Six requests were approved. Four were withdrawn, and two recent requests tabled, so the applicants could consider a more Code compliant roof location of panels.

Ms. Jennifer McMillin, 6115 Pioneer Point, noted her interest group appreciated the positive changes suggested for removing the 25% roof restriction and the posting of a surety bond. She suggested the language added in Section 1186.03(b)(1) relating to "shall follow the existing roof pitch and shall not extend more than 12" above the surface of the roof" would be restrictive for flat roofs. The Commission noted they would work on a case-by-case basis for flat roofs. Her group agreed with the new requirement for a scaled 3-D rendering for solar energy submissions.

Ms. McMillin felt the draft ordinance, by not opening up installations to side and front facing roofs, did nothing toward offering the solar energy option to more residents. She believed the number of residents who could install solar energy panels even under the proposed new revisions to the Code was quite limited. Ms. McMillin wondered why concern for residents' safety, health and wellness would not result in opening up the options for more participation in solar energy. Mr. Harwood didn't feel the Commission would revise the current ordinance to include street facing solar panel applications. He noted that of the six solar installation requests approved, three involved front facing panels which demonstrated flexibility on the Commission's part after case-by-case review of

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deviation requests. Ms. Ellen Kramer, 7775 Sunstone Drive, noted that the Request Log did not indicate any front facing panels were approved. Mr. Harwood responded he would forward to her the addresses for the front facing solar panel applications approved by the Commission.

Mr. Harwood pointed out that City Code covered a multitude of situations. As an example he mentioned the location of air conditioning units, which could not be installed in a front yard or portion of side yard. He maintained that aesthetics was an important consideration for solar panels, just as it was for many other situations covered by City Code. He remarked on a study he did of other communities where the courts have upheld the consideration of aesthetics as a criteria for review in disputes over solar energy submissions.

Ms. McMillin thought that the consideration of only twelve applications over about a ten year period could be indicative of too restrictive regulations. Mr. Payto suggested that the elimination of the 25% roof coverage restriction might result in more applications. He pointed out that the Planning Commission has been very flexible in its consideration of solar applications, particularly in the review of the percentage of roof coverage. Mr. Payto also felt the requirement of a 3-D image would help the Commission in its review.

Mr. Payto noted that often financial feasibility was a factor in solar energy applications. He advised that the Commission had to be guided by City Code restrictions and not the return on investment for applicants. Ms. McMillin asked for the Commission's reaction to a regulation she quoted from an HOA document:

“Each building mounted solar energy system should be located in a position least visible from any street or common area so long as such location does not reduce annual energy production by more than 10% over alternative locations .....

It was Mr. Payto's opinion that such a clause would result in all street/front facing applications. Mr. Sciria said it appeared the goal of the citizen group was for the Commission to act as an advocate for solar energy by changing the Code to make it easier for people to install solar systems – to put economic benefit over visual impact. He advised that was not the role of the Commission, or the City. Mr. Sciria commented that property owners and representatives from the oil and natural gas industries, and mini-cell towers have been in the City in the past to discuss how they could work within City restrictions in their for profit endeavors. He noted that those applicants also felt that their projects benefitted the public good. Mr. Harwood mentioned that in some cases where street facing coverage was requested, the output required could be attained by using more panels and other roof surfaces at additional expense. The Commission would then choose to follow the Code without regard to extra expense to the homeowner.

Ms. McMillin asked if there were regulations for the location of satellite dishes as she has seen them on front facing roofs. The Mayor advised that, especially in the telecommunications industry, the State has taken the power away from local government to regulate such things as satellite dishes, telephone lines, mini cell towers, etc. The Mayor commented that if she were to attend a public meeting for a new subdivision she would hear residents talk about all kinds of things they didn't want to see from their windows, mostly based on aesthetic and property value considerations.

Ms. McMillin asked about the next steps in the process. Mayor Hruby said the Planning Commission would recommend the draft ordinance to City Council. If City Council wanted to pursue a change they would refer the draft to their Legislation Committee and the Law Director for review. A finalized draft would then be put on the City Council agenda for readings and a vote.

Mr. Jack Petsche, 667 Morningside Drive, asked what the government's reasoning was for excluding solar panel installations on the front of a house. Mr. Sciria responded that visual impact was certainly a consideration. Mr. Petsche felt the Commission was taking away the residents' property rights by denying them a front facing installation to generate electricity on their property for the simple reason of aesthetics.

Mayor Hruby pointed out that, by law, the Planning Commission enforced City Code as established by City Council. He acknowledged there were many, many Code restrictions relating to property development, such as location of air conditioning units, street lights, fencing, garages, etc. The Planning Commission's role was of a

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recommending body to City Council. The Commission reviewed, as requested, the current Code on solar installations and made some recommendations for change to improve the ordinance, but it would be up to City Council to pass, amend, or not change the ordinance. The Mayor didn't believe, at any level of City government, there was any intent to take away property owners' rights. Mr. Petsche was appreciative of the changes being recommended to Council on the ordinance, but felt some consideration to financial implications would encourage residents to apply who consider the current Code requirements too restrictive to make a solar energy installation economically advantageous. Mayor Hruby felt Mr. Petsche, as a member of City Council, was in a better position to effect change in the ordinance than the Planning Commission.

Mr. Petsche maintained that residents with a south (front) facing home would be denied the option of solar energy because their north (back) facing roof would not generate enough output. The Commission reiterated their practice of working on a case-by-case basis on those solar energy applications with deviation requests. Mr. Petsche asked why economics was not a factor for consideration. Mr. Harwood responded that economics was a factor equally weighted with other considerations. He reiterated that many times a solution could be found in a different roof application, which might result in additional expense, but achieve compliance with Code.

The Mayor asked if the Commission was ready to make a recommendation to City Council on the draft. Mr. Harwood mentioned that he had received a communication from Mr. Lahrmer that the draft changes were consistent with what had been discussed by Commission members. Mr. Harwood suggested it might be beneficial for Mr. Lahrmer and Scott Packard to review the minutes of this meeting for any further input they might have. There was a general agreement to put the solar panel review back on the next Commission agenda.

The Work Session closed at 8:15 p.m.

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