

# RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

## MINUTES OF ELLSWORTH TWP BOARD OF TRUSTEE'S

### TRUSTEE - ZONING AMENDMENT HEARING

September 11, 2024

Chairman Robert Toman called the September 11, 2024, Public Hearing of the Ellsworth Trustees to order at 6:00 pm. A roll call was taken to establish a quorum: Chairman Robert Toman - present, Vice Chairman William Spellman - present, Trustee Fredrick Houston – present. Also, present was the Fiscal Officer James DeCenso, Zoning Inspector Wayne Sarna and the Zoning Commission Secretary Angela Javorsky. The Pledge of Allegiance was recited.

Chairman Toman recognized Fred Schrock, Ellsworth Fire Department Chaplin, who recited a 9/11 remembrance.

Chairman Toman described the purpose of this Hearing. Pursuant to ORC Sections 519.213 and Sections 519.02 through 519.25, the Township has the authority to regulate any small solar facility, which is defined as an operation with a capacity of under 50 megawatts. He furthered that the Ellsworth Township Zoning Commission had presented such proposed regulations to amend to the existing Ellsworth Township Zoning Amendment. This Hearing is authorized under ORC 519.12 and is conducted to allow residents to voice their comments.

Chairman Toman recognized Angela Javorsky, who presented a summary of the proposed Amendment. The Zoning Commission proposal includes the elimination of the "Public Utility Works" from Sections 602 and 702. She reviewed the proposed addition of a new Section 620 requirements for Accessory Solar Energy Systems and a proposed new Section 713 that regulates Principal Solar Energy Systems. Each new Section describes the size, required buffers, maintenance, decommission requirements and in Section 713, the bond requirements to maintain the facility.

Chairman Toman then opened the Hearing to the residents in attendance:

Lee Sandstrom of 10719 W Aron Canfield Rd objected to the elimination of "Public Utility Works" as conditional use in Sections 602 and 702, as it may cover the use of gas lines, cable lines and other electric transmission lines. He requested that a definition of "Public Utility Works" be obtained before it is wholly eliminated from the Amendment. The elimination of this language from its intended uses could be damaging to the entire Zoning process. He suggested that the Township contact the consultant George Smerigan for his opinion.

Jim Tripp of 5760 Elias Lloyd Rd suggested that in reference to new Section 713, #5 Setbacks, that language be added following: "...shall be located within 100 feet of an existing residential dwelling." Add: ";however, as a condition of approval, the BZA may require increased setbacks if it is determined that greater separation is necessary to adequately protect adjacent residents and property owners."

Dee Tripp of 5760 Elias Lloyd Rd expressed her support that solar facilities be placed only on zoned business properties and prohibited on zoned agricultural properties. She continued that by allowing any solar facilities to be constructed on Agriculture properties this Solar Amendment may violate the Land Use Plan previously adopted by the Trustees.

Wayne Sarna, Zoning Inspector expressed his support of the Amendment and felt that the restrictions would preserve the rural characteristics of the Township.

Angela Javorsky, Zoning Commission Secretary advised the Board that the Commission did consider the proposal to provide the ZBA with additional authority to change the setbacks but felt that the ZBA already has that authority. Jim Tripp felt that this scenario was of a different nature and that it would behoove the ZBA to have more definition within the Zoning Amendment. Jason Smaldino, a member of the ZBA reiterated Mrs. Javorsky's comments but would not object to including additional language. Mrs. Javorsky suggested contacting the Mahoning County Prosecutor for an opinion. Sarah, also a member of the ZBA agreed that additional language could be added but may not be necessary. AJ, also a member of the ZBA suggested that the setback be increased to 300 ft, 500 ft, or as much as you can.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held \_\_\_\_\_

20 \_\_\_\_\_

## Trustee Zoning Amendment Hearing September 11, 2024, Continued

Additional comments were exchanged between the Board and members of the audience regarding the current ZBA authority on setbacks and whether there is a need to add additional language into the proposed Solar Amendment.

Dr. Jerry Matteucci of 12620 Berlin Station Rd asked who is responsible for maintaining the grounds and how does the electricity get to market? Lee Sandstrom responded by indicating that ground maintenance is the responsibility of the facility management, and the electricity produced is carried away by transmission lines

Tod Yeager of 4781 S. Salem Warren Rd asked if the setback was 100 ft from the property line or from a structure? After much discussion, it was determined that any setback is measured from the property line.

Angela Javorsky addressed the public utility question and advised the Board that the Commission had much discussion regarding the elimination of such language from sections 602 and 702. She concluded that the Zoning Commission has no say in public utilities. There is no definition for "Public Utility Works" in the current Township Resolution. Chairman Toman asked if a facility greater than 50 megawatts would be considered a public utility. Mrs. Javorsky indicated that it would.

Trustee Spellman then spoke about the subsidized push by government to build these facilities in exchange for traditional power plants that are being closed and dismantled. He felt that the technology will change in 10 years and these facilities will need to be taken down. He would like to see stronger language with that. He said that property owners have rights too. Setbacks can be negotiated and there are some troublesome points in the proposed Amendment. The Zoning Inspector will need to be trained to monitor decibels, and equipment will need to be purchased. Electricity is going to get more expensive, but we need the power, and it has to happen in someone's back yard.

Dee Tripp asked if the Board was considering allowing Solar facilities on properties zoned agriculture. Trustee Spellman responded by indicating that the Land Use Plan is an outline. It does not have the power to stand on its own. Changing property to business will allow other things on this business path.

Karen Grittie of 8969 Duck Creek Rd spoke about the Ohio Department of Natural Resources and their responsibility to disallow certain structures based on natural or endangered animal restrictions. Mrs. Javorsky responded that any project must meet the requirements of the ODNR and many other government agencies.

Earl Moracco of 9865 West Hill asked if there were any requirements that the solar panels be produced in the USA. While many in attendance agreed with his comments, Mrs. Javorsky was sure that "we wouldn't win that battle."

Chairman Toman asked the audience for any additional comments and advised that the Board must make a decision to approve, deny or modify the Amendment by September 30<sup>th</sup>, 2024.

Lee Sandstrom asked if the people speaking would be recorded in the minutes. The Fiscal Officer indicated that they would. Mr. Sandstrom then indicated that he did not hear much about the Ohio Revised Code and that it tells you about the same thing on Public Utilities as he had discussed.

**Motion 2024-99:** At that time, Trustee Houston made a motion postponing any action on the Solar Amendment as proposed by the Zoning Commission, until 7:00 pm on Monday September 30, 2024. Trustee Spellman seconded the motion. The roll call was all in favor.

With no further discussion at 6:43 pm **Motion 2024-100:** Trustee Spellman made a motion to adjourn the Hearing. Trustee Houston seconded the motion. The roll call was all in favor.

# RECORD OF PROCEEDINGS

Minutes of

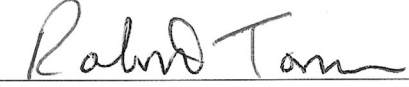
Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

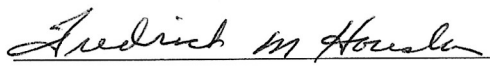
Held \_\_\_\_\_ 20 \_\_\_\_\_

Trustee Zoning Amendment Hearing September 11, 2024, Continued

  
Fiscal Officer

  
Chairman

  
Trustee

  
Trustee