

**Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)**

**Regular Meeting Minutes – March 3, 2020**

**Long Grove Village Hall**

**3110 Old McHenry Road, Long Grove, Illinois 60047**

Present:

PCZBA Commissioners Helen Wilson, Chair, Richard Terrett, Charles Cohn, Magdalena Dworak-Mathews, and Brooke Bauer.

Also Present: Village Planner James Hogue, Brett Smith, PCZBA Secretary, and Attorney Betsy Gates-Alford of the Filippini Law Firm

Absent: Jeff Kazmer, Sheldon Rubin

**Call to Order:**

The meeting was called to order by Chairman Wilson at 7:03 pm

**Visitor Business:**

There was no visitor business.

Chairman Wilson recognized and welcomed Brett Smith as the new PCZBA Secretary.

**New Business:**

**Public Hearing - Consideration of amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, without limitation, as referred by the Village Board, for the review, recommendation and amendment of the adopted Alternative Energy Systems (AES) Regulations.**

Chairman Wilson asked the public for any comments.

Mike Dvorak, resident, asked to comment as he lives next door to the Dean property where a SES is being installed. He was sworn in and stated that he is a former commissioner. At the Dean Property, a roof mounted system and not a ground mounted system is being installed on all of the buildings. Mr. Dvorak wanted to know how the regulations define a building.

Chairman Wilson indicated an SES can be placed on an accessory or principal structure.

Mr. Dworak noted the owner will be putting in screening but the SES on the new constructed accessory building it is visible to the adjacent properties now.

Chairman Wilson suggested that the board discuss possibly adding similar screening language for roof mounted systems for accessory buildings as opposed to a principal structure. At the Dean property, the solar panels are going above the garage and wood shed. Should they (accessory structures with an SES) be screened; the PCZBA should discuss this.

Planner Hogue gave an overview his memorandum and of how the board arrived at this point regarding the AES regulations. Previously, the PCZBA initially reviewed the amendments and made recommendations to the Village Board. Village Board reviewed these recommendations and remanded the AES regulations it back to the PCZBA with direction provided at the joint meeting in January.

Planner Hogue included and amended redline ordinance prepared by Attorney Gates-Alford showing the proposed changes to the Code regarding AES. The revisions included the direction provided by the VB in January. The biggest change is to propose elimination of all wind based systems. The height considerations of these systems and noise issues are most concerning.

Attorney Gates-Alford highlighted the main changes to the Code. All of the provisions relating to WES (wind energy systems) are deleted in this draft and such systems will be prohibited.

Chairman Wilson asked if there are any concerns about getting rid of wind based systems.

Ms. Bauer voiced objections to all WES being prohibited in the Village.

Chairman Wilson noted that there has never been an application for a wind system since the Code was established and the Village is not situated in a "wind tunnel" as opposed to other areas of the state. It is not practical to have wind based systems in this area. Chairman Wilson further stated a windmill in Mundelein that is the only windmill she can recall in this whole area other than decorative ones.

Ms. Bauer objected to removing wind based systems from the Code because if the Village gets part of the proposed Route 53 ROW back, there might be good places for wind based systems. Ms. Bauer thinks they can be pretty and very efficient and don't have to be above 15 feet tall.

Chairman Wilson indicated that the direction from the Board of Trustees is to remove the language from the Code at the joint meeting.

Discussion ensued regarding language in the Code expressly prohibiting windmills. Attorney Alford-Gates said by expressly prohibiting it, we prevent a potential lawsuit in the future and that remaining silent puts the Village in a risky position.

A motion was made by Commissioner Dworak-Mathews. Seconded by Commissioner Terrett, to recommend the elimination of the WES provisions, Section 5-9-13, from the AES regulations.

On a voice vote 3 aye, 1 nay; Motion Carries

Regarding SES, discussion ensued as to how involved the Village should be in overseeing the output of SES and reporting the SES on an annual basis.

Chairman Wilson asked if any member of the board recalled anything else from the joint VB meeting which not been discussed. There is a question whether the imposition of fees (for a SUP) is a PCZBA issue or a VB issue. Village code does apply with respect to general application fees and that is the charge of the Village Board not the PCZBA.

Chairman Wilson recommended we start the discussion on the changes.

Mr. Terrett raised an issue regarding micro grids that he saw on 60 Minutes which were geared towards providing energy to multiple locations and not one property.

Chairman Wilson noted as proposed all systems need to be geared to providing energy to one primary home and not multiple homes/locations.

Mr. Terrett asked if the board wants to suggest the micro-grids.

Attorney Alford-Gates says it is technically prohibited since SES is already limited to an accessory use to a primary home.

After discussion it was determined that matter could be addressed as part of a PUD application. Crafting regulations for an unknown scenario is difficult and may not address all issues associated with such a proposal. No changes were suggested regarding this matter.

Chairman Wilson mentioned the 110% cap on energy output. She did some research that Com Ed limits it already to 110% and looks to the bills over the past 12 months. The requirement to the submittal of bills to the Village probably can be removed.

Attorney Alford-Gates researched it as well. The Village engineer can initially assess the system to see if the proposed output is no greater than 110% of the previous 12 months. Discussion ensued regarding the 110% cap. Ms. Dworak asked what happens if an owner wants to increase the output for a legitimate reason? Attorney Alford-Gates says there is language already in the revised Code that allows for that scenario.

The PCZBA then discussed the aesthetics of a roof mounted SES. The HOAs usually require that any significant changes have to be approved by the applicable Architectural Committee of each HOA. Language in the Code needs to be strong enough so that during the permit process, an owner has the burden to show that the SES will be aesthetically pleasing and blend with existing color scheme of the residence. Attorney Alford-Gates will make changes to indicate that black or a color close to the roof color will be deemed acceptable so that owners have some direction as to what to do.

The impervious surface area and the size of the ground mounted SES were next discussed. The VB wants the PCZBA to consider setting a cap on the maximum size of ground-mounted SES. Ground-mounted SES are more problematic. Biggest concern from VB is what about larger systems. Is there a point when a system is just too big?

Discussion ensued regarding the Woodlawn Middle School system. Planner Hogue stated that an arbitrary number doesn't work. There is already self-limiting language and additional requirements for larger fields. The board unanimously agreed to leave the regulations as proposed but that this issue needs to be further researched. The PCZBA directed staff to research this matter

The decommissioning process of a SES was then considered. The developers of the systems are trying to figure out how to recycle and salvage decommissioned units. Discussion ensued regarding whether changes need to be made to the Code. The board unanimously agreed to keep the existing language as-is which was determined to be as far as the PCZBA could take this issue.

Decommissioning plans when permits are initially issued for certain size SES or for non-residential systems were then considered. Discussion ensued regarding whether decommissioning plans need to be updated every 10 years. Attorney Alford-Gates will try to modify the language to address this issue.

Mike Kiefer is a visitor and was sworn in. Mr. Keifer made a comment about what happens if there is a partial decommission or a partial abandonment?

Chairman Wilson then reviewed the policy items to consider as provided by the Village President during the joint VB\PCZBA Meeting.

A motion was made by Commissioner Cohn, seconded by Commissioner Bauer to continue discussion\ consideration of amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, without limitation, as referred by the Village Board, for the review, recommendation and amendment of the adopted Alternative Energy Systems (AES) Regulations to next meeting (4/7/20). On a voice vote; all aye.

**Approval of Minutes:**

Minor corrections to the draft minutes were noted.

A motion was made by Commissioner Cohn, seconded by Commissioner Bauer, to recommend approval of the September 3, 2019 Minutes as corrected. On a voice vote; all aye.

**Adjournment:**

Commissioner Bauer moved to adjourn, seconded by Commissioner Terrett. On a voice vote, all aye.

The meeting was adjourned at 9:31 pm.

Respectfully Submitted,

*Brett Smith*

Brett Smith, PCZBA Secretary