

**MONTVILLE TOWNSHIP
ZONING COMMISSION MEETING
April 28, 2010**

PRESENT

John Vujevich, Chairperson
Alan Piatak, Vice Chairperson
Mary Pawlowski
Ron Potter
Dave Wetzel

ALSO PRESENT

P. Jeffers, Field Assistant
B. Schwehm, Zoning Secretary
S. Hirsch
M. Spacek
H. Torok

HANDOUTS: Ohio EPA/Incinerator Rule Update to Address Outdoor Wood-fired Boilers
Mixed Use Zoning Information/Model Drafts
May Calendar

AGENDA:

1. Approval of Minutes – March 24, 2010
2. Public Hearing (cont.)/Zoning Text Amendments/OWHH & WECS/
Chapters 210, 330, 410, 412, 430, 510, 710, 720
3. Zoning Updates

The April 28, 2010 meeting of the Montville Township Zoning Commission was called to order at 7:02 p.m. by Chairperson Mr. John Vujevich.

ROLL CALL: Ms. Mary Pawlowski – here; Mr. Alan Piatak – here; Mr. Dave Wetzel – here; Mr. Ron Potter – here; Mr. John Vujevich – here.

Commission Chairperson Vujevich asked, “Has the meeting been properly advertised and the necessary contiguous property owners notified?”

Field Assistant Jeffers responded, “Yes.”

Commission Chairperson Vujevich said, “Everyone in attendance should sign in if they have not already done so. Anyone who wishes to speak should come forward and state their name and address for the record. The meeting is taped for transcription purposes. The official minutes of the meeting are the typed transcripts.”

1. Approval of Minutes

March 24, 2010

MOTION: Commission Member Wetzel moved to approve the March 24, 2010 meeting minutes as written.

SECOND: Commission Member Piatak.

ROLL CALL: Mr. Alan Piatak – aye; Mr. Dave Wetzel – aye; Mr. Ron Potter – aye;
Ms. Mary Pawlowski – aye; Mr. John Vujevich – abstain.

**2. Public Hearing (cont.): Zoning Text Amendments/OWHH & WECS/
Chapters 210, 330, 410, 412, 430, 510, 710, 720**

Commission Chairperson Vujevich opened the public hearing and acknowledged a letter to Ms. Judy Emrick from Ms. Patrice Theken, Planning Director, Medina County Department of Planning Services dated April 8, 2010. The letter referenced the Montville Township Text Amendments for Outdoor Wood Fired Hydronic Heaters and Wind Energy Conversion Systems, Wells, Misc. Text Changes, Application #026-2010 TA. Attached to the letter was the Staff Report (See Attachment I) dated April 7, 2010 recommending disapproval of the proposed amendments.

Commission Chairperson Vujevich invited Ms. Susan Hirsch from the Medina County Department of Planning Services (MCDPS) to come forward to address the comments made in the Staff Report.

Ms. Susan Hirsch, Deputy Director, Medina County Department of Planning Services, introduced herself and stated that she prepared the Staff Report for the April 7, 2010 meeting.

Referring to the Staff Report comments addressing Section 210.2, Definition #2. *Accessory Building*, and #4. *Accessory Use* (Page 1 of Staff Report), Ms. Hirsch explained that Planning Services (PS) was concerned that an accessory building could be constructed or use established without a primary building or use.

Based on PS comments, the Zoning Commission (ZC) revised the items to read as follows:

1. *ACCESSORY BUILDING: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed ~~concurrent with or~~ subsequent to construction of the principal building or establishment of the principal use of the land. (Revised)*
2. *ACCESSORY USE: A use that is on the same lot as and serves a purpose customarily incidental and subordinate to the principal use and is established ~~concurrent with or~~ subsequent to ~~construction of the principal building or establishment of~~ the principal use ~~of the land~~. (Revised)*

Referring to the comment regarding Section 210.2, Definition #61. *Fall Zone* (Page 2 of Staff Report), Ms. Hirsch pointed out that the definition specifically referred to wind turbines and the definition may be used in other situations, such as telecommunication towers.

Taking the comments from PS into consideration, the ZC revised the definition to read as follows:

61. *FALL ZONE: The area or radius surrounding a wind energy conversion system or telecommunication structure that if it were to fall, would remain confined within the property or parcel where the turbine or telecommunication structure is located.*
(Effective)

When the regulations for telecommunication facilities were reviewed, the ZC would consider how the above definition related to the chapter.

Referring to the comment regarding OWHH Phase I and Phase II Program Qualified Models (Page 3 of Staff Report), Ms. Hirsch said the wording may become obsolete in the future.

Commission Member Wetzel said that new Phase I units were not being allowed; and if a Phase III unit was added in the future, it would require an amendment to the zoning text.

The ZC agreed that the definitions for *EPA OWHH Phase I Program Qualified Model* and *EPA OWHH Phase II Program Qualified Model* would remain as proposed in the draft.

Referring to the comment regarding Section 330.2 D (Page 4 of Staff Report), Ms. Hirsch wondered if consideration should be given to the units that could be mounted on a roof or garage.

Commission Chairperson Vujevich said that one of the people who spoke to the ZC regarding wind energy conversion systems said that the smaller units created a lot of vibration when mounted on a roof. Permitting roof-mounted units was not recommended.

Commission Member Wetzel said that roof-mounted units conflicted with the idea of having a fall zone. As Mr. Ginesi from Engineered Process Systems, Ltd. had previously suggested, Commission Member Wetzel recommended making the following change clarifying the maximum allowed height of a wind energy conversion system:

- D. *Wind Energy Conversion Systems shall not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position. (See also Section 410.8 L. 6.)*

For consistency, the following changes were also made:

Section 410.8 C., Schedule 410.8 notes section:

- ^(d) *Height of turbine at the tip of the blade at its highest vertical position plus ten feet.*

Section 410.8 L. 6. & 7.

6. *Freestanding wind turbines shall not be installed or erected on a mound or base for the intention of siting the system higher than the natural*

*grade and shall not exceed 160 feet from natural grade to the tip of the blade at its **highest** vertical position. See also Section 330.2 D.*

7. *The minimum fall zone for freestanding wind turbines shall be equal to the height of the turbine **at the tip of the blade at its highest vertical position** plus ten (10) feet and shall be measured from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground gas or oil storage or pumping facilities, property lines, and/or buildings meant for human occupation.*

Ms. Hirsch said that the Staff Comment (Page 5 of Staff Report) was a general comment regarding the importance of consistently when using the terms “use,” building,” and “structure” throughout the regulations. She said all buildings were structures, but not all structures were buildings.

Ms. Hirsch referred to the comment (Page 6 of Staff Report) regarding formatting. She thought it appeared that the resources were regulations for wind energy conversion systems.

Commission Chairperson Vujevich and Commission Member Piatak said the formatting was similar to Chapter 570, Establishment of Riparian and Wetland Setbacks and the sexually oriented business section.

The ZC agreed to reformat the section as shown below and agreed that the proper names of the listed resources should be italicized.

Resources: *The following resources were used to establish the regulations for wind energy conversion systems:*

American Wind Energy Association (AWEA), www.awea.org; *In the Public Interest: How and Why to Permit for Small Wind Systems*, www.awea.org/smallwind/pdf/inthepublicinterest/pdf; *Jackson Officials Look to Regulate Wind Turbines*, Massillon Independent, February 15, 2008; *To Avoid Fights, Set Rules for Windmills Now, Experts Say*, The Columbus Dispatch, March 17, 2008; *Small Wind Electric Systems An Ohio Consumer's Guide*, U.S. Department of Energy; *Energy Savers Tips on Saving Energy and Money at Home*, www.eere.energy.gov/consumerinfo/energy_savers; *Alternative Energy Sources Ordinance*, City of Norton, Summit County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Draft Energy Generating Devices (non-commercial) as an Accessory Use Structure Resolution*, Homer Township, Medina County, Ohio; *Small or Distributed Wind Energy Systems*, presentation by Glen A. Ginesi, NexGen Energy Partners, www.NexGen-EnergyPartners.com; *Industries Ready to Ride the Wind*, Akron Beacon Journal, January 11, 2010; *Air of Hope Whirls In*, Akron Beacon Journal, January 10, 2010; *Bowling Green Wind Farm Might Grow*, Akron Beacon Journal, January 10, 2010; *Turbine Manufacturer Cranks into Gear*, Akron Beacon Journal, January 11, 2010; *Wind Power to the People*, Medina Gazette, January 7, 2010. Ragnoni, V., and M. Townsley.

Vertical Axis Wind Turbines. Zoning Commission Meeting. Montville Township Administration Building, Medina, Ohio. 24 Feb. 2010. Presentation.

Ms. Hirsch said that Planning Services did not recommend using websites for references because the sites changed frequently and may not be available in the future. Commission Chairperson Vujevich said that hard copies of the resources had been printed.

Ms. Hirsch referred to the comment (first comment on Page 7 of Staff Report) regarding the ten-acre minimum parcel size (Section 410.8 L. 1.) being excessive and arbitrary.

Commission Chairperson Vujevich said that the intent was to exclude WECSs from the more densely populated areas of the Township. He said that properties that did not meet the requirements could go before the Board of Zoning Appeals (BZA) to request a variance.

Ms. Hirsch said that she thought it was a problem to arrange a situation where people needed to get a variance for something. A variance was related to a hardship. How would it be determined when it was or was not appropriate?

Commission Member Wetzel said the fall zone alone required one and one-third acres.

Ms. Hirsch said that a ten-acre bowling alley type of lot may not be able to meet the fall zone, or there could be a four-acre parcel with a turbine in the middle that may not adversely affect anyone.

Commission Chairperson Vujevich said that the ZC was trying to take a very cautious/safe approach by requiring ten acres. It was impossible to project what the future may hold. He said the regulations were proposed in response to a property owner proposing to erect a wind turbine on a particular parcel. If it became apparent that the ten-acre minimum was too generous and several variance requests were submitted, the ZC would look at the text again and consider changing the requirement.

The ZC agreed to leave Section 410.8 L. 1. as originally proposed.

Referring to Section 410.8 L. 2. (second comment on Page 7 of Staff Report), Ms. Hirsch said that Section 410.8 L. 14 addressed interconnection to the utility grid. She wondered what was meant by, "primarily for on site consumption." Possibly a percentage of power for on-site consumption could be added.

Commission Chairperson Vujevich said that the experts who spoke with the ZC indicated that there was the potential to generate more power than could be consumed. Connecting to the grid provided a place for the excess power to go.

Commission Member Wetzel explained that the intent was to generate between 50 and 60 percent of the power consumed. The only time there would be more power generated than consumed was probably at night.

The ZC agreed that Section 410.8 L. 2 would not be changed.

Ms. Hirsch referred to Section 410.8 L. 5 (third comment on Page 7 of Staff Report) and the IEEE standards referenced in the item. She did not know what the standards were for IEEE.

Commission Member Wetzel said that the power company would not let someone connect to the grid without meeting all of the necessary requirements and standards. He proposed changing the wording as shown below:

5. *All wind turbines shall be UL listed and comply with ~~IEEE standards~~ power company requirements*

In response to Mr. Ginesi's previous recommendation and related discussion regarding the decibel level requirements in the proposed text being overly generous, Commission Member Wetzel referred to Section 410.8 L. 9 and proposed changing 20 decibels to 5 decibels.

Commission Member Piatak wondered if the comparisons made by Mr. Ginesi were correct. As shown in the proposed regulations, 20 decibels above ambient noise was greater than a whisper but less than the noise level inside a home.

Commission Chairperson Vujevich suggested changing the level to 10 decibels as shown below.

9. *The sound pressure level produced by a wind turbine shall not exceed ~~20~~ 10 decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level shall be measured by successively measuring the sound with the wind turbine turned on, and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. Sound examples:*

Referring to Section 410.8 L. 10. (first comment, Page 8 of Staff Report), Ms. Hirsch said it was difficult to evaluate the intent of "reasonable efforts to reduce or remove" shadow flicker impact. She thought the interpretation could be very subjective.

Commission Member Pawlowski agreed with Ms. Hirsch. She said that she had expressed her concerns when the ZC originally reviewed the proposed regulations.

Commission Member Piatak said that a wind turbine would create shadow flicker.

Commission Member Pawlowski suggested using "every effort" in place of "reasonable efforts."

Commission Member Wetzel thought both choices meant the same thing. Commission Chairperson Vujevich said that "every effort" could eliminate a wind turbine entirely or require that the wind turbine be taken down.

Commission Member Pawlowski did not think shadow flicker was acceptable even for a short period of time each day. She did not think neighbors should be negatively impacted by a wind turbine. The noise levels were a concern and were being limited. She thought shadow flicker should also be reduced beyond what "reasonable efforts" may address.

Commission Chairperson Vujevich said that the noise of the turbine could be heard twenty-four hours a day; shadow flicker would only occur at certain times of the day (sunrise and sunset). He did not think that was an excessive period of time.

Commission Chairperson Vujevich said shadow flicker could be reviewed during the development plan/location design phase in a manner similar to a lighting plan. The location of the turbine could be changed to reduce the shadow flicker and potential impact if necessary.

Commission Member Pawlowski wondered if requirements could be added that the turbine had to be shut off during sunset and sunrise to prevent shadow flicker. Commission Chairperson Vujevich and Commission Member Wetzel said that could be considered one of the reasonable efforts when a plan was reviewed.

Commission Chairperson Vujevich indicated that the regulations would remain as written. Commission Member Pawlowski did not agree that the proposed provisions were sufficient to protect neighboring parcels.

Referring to Section 410.8 L. 13. a) (second comment, Page 8 of Staff Report), Ms. Hirsch suggested changing the wording to eliminate using subjective terms.

Commission Member Wetzel wondered how the Township would know if a turbine did not generate any electricity for six consecutive months. He thought it would be difficult to monitor/verify that the unit was or was not generating electricity.

Ms. Hirsch said that the same was true for determining if the unit was being used as “originally intended.”

Commission Chairperson Vujevich suggested reviewing electric bills and usage rates to confirm if the turbine was generating any electricity. He wondered if utility company bills were accessible by the public.

Commission Member Wetzel thought an annual physical inspection of the turbine by the Township may be necessary.

Commission Member Pawlowski thought that proof in the form of an electric bill could be required to confirm that the wind turbine was generating power. Commission Chairperson Vujevich said that the Zoning Inspector could send the owner a letter indicating that proof (in the form of an electric bill) was required to confirm that the wind turbine was operational/producing electricity.

The ZC agreed to change the section as shown below:

- a) *The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Montville Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than six consecutive months, i.e., zero electricity generation for a period of six (6) consecutive months, the property owner is responsible for repair or totally removing all parts of the system no later than ninety (90) days after the end of the six (6) month period.*

Referring to Section 410.8 L. 14. a) (Page 9 of Staff Report), Ms. Hirsch suggested changing the wording of the item for clarification.

The ZC agreed with the recommended change. Section 410.8 L. 14. a) was changed to read as follows:

- a) *A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.*

Referring to Section 410.8 M., Outdoor Wood-Fired Hydronic Heaters, Ms. Hirsch said that the comment (first comment, Page 11 of Staff Report) regarding the formatting for resources was the same as the comment for wind energy conversion system resources.

The ZC agreed to italicize the proper names of the resource titles and the wording was changed as follows:

Resources: The following resources were used to establish the regulations for outdoor wood-fired Hydronic heaters:

Outdoor Wood Furnaces, Hearth, Patio & Barbecue Association, www.hpba.org; *Outdoor Wood Furnaces, Central Boiler*, www.centralboiler.com; *Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-115-Outdoor Wood-Fired Boilers*; Ohio Administrative Code (OAC) 745-19, *Open Burning Standards*; *Ohio EPA Draft Rules to Regulate Outdoor Wood-Fired Boilers*, Ohio Environmental Protection Agency, <http://www.epa.state.oh.us/dapc/regs/regs.html>; *Wood-Fired Boiler Rules*, Ohio Environmental Protection Agency, Division of Air Pollution Control; *Outdoor Wood Furnaces Ordinance*, City of Orville, Wayne County, Ohio; *Draft Alternative Energy Source Code*, City of Green, Summit County, Ohio; *Outdoor Wood Burning Stoves/Boilers*, presentation by Bonetta Guyette, R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District, www.ci.akron,oh.us/health04.divisions.htm; *The Air You Breathe*, Volume 22, Issue 3, Akron Regional Air Quality Management District; *Outdoor Wood Burning Boilers, Is there reason for concern*, Bonetta Guyette R.S., Environmental Sanitarian II, Akron Regional Air Quality Management District; *Health Effects of Wood Smoke*, Washington State Department of Ecology; *Cleaner Burning Wood Stoves and Fireplaces, Basic Information*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/basic.html>; *Cleaner Burning Wood Stoves and Fireplaces, More Efficient, Cleaner Burning Fireplaces*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/fireplaces.html>; *Cleaner Burning Wood Stoves and Fireplaces, Health Effects of Wood Smoke*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/healtheffects.html>; *Cleaner Burning Wood Stoves and Fireplaces, For Air Quality Program Officials*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/programs.html>; *Cleaner Burning Wood Stoves and Fireplaces, Technical Information*, United States Environmental Protection Agency, <http://www.epa.gov/woodstoves/technical.html>.

Ms. Hirsch referred to the comment (second comment, Page 11 of Staff Report) regarding Section 410.8 M. 3. She wondered if the intent was to only allow outdoor heaters in the rear yard.

Commission Chairperson Vujevich confirmed that the intent was to only allow OWHHs in the rear yard.

Field Assistant Jeffers said prohibiting OWHHs in the side yard may create a problem on a corner lot.

The ZC thought situations regarding corner lots could be addressed as necessary. The ZC agreed that the regulation would remain as written. OWHHs would only be allowed in the rear yard.

Ms. Hirsch said that she talked with the Prosecutor's Office regarding Section 410.8 M. 11. (first comment, Page 12 of Staff Report). The Prosecutor's Office had not yet reviewed Montville Township's draft; however, other townships had been advised that regulating the type of fuel burned was beyond the authority of the township.

Commission Member Wetzel said that the EPA wanted to control the materials being burned.

Commission Member Piatak said that the EPA indicated that they did not have the authority to regulate the materials being burned.

Ms. Hirsch said that it was a matter the ZC may want to discuss with Dr. Dave Folks from the Prosecutor's Office. She said she was passing along the information that they received when Sharon Township submitted their regulations for OWHHs.

Commission Chairperson Vujevich asked if Sharon Township's regulations limited the types of materials that could be burned. Ms. Hirsch said that she did not know.

The ZC agreed to keep Section 410.8 M. 11. as written in the regulations unless they heard differently from the Prosecutor's Office.

Ms. Hirsch referred to the Staff Comment at the bottom of page 12 and top of page 13.

Commission Chairperson Vujevich said that OWHH Phase II Program Qualified Models still produced smoke. The purpose was to get the smoke up and away from the people. He thought the requirement (Section 410.8 M. 11. c) iii.) should remain as written.

Referring to Section 410.8 M. 11. d) ii., Ms. Hirsch said that she could not provide a legal opinion, but she did not believe a retroactive requirement was legal.

Commission Member Wetzel said that the Commission members who compiled the regulations were not in attendance, but they were adamant about including the requirement. However, Commission Member Wetzel said that he agreed with Ms. Hirsch. The person building a new home should locate their new home on the lot in compliance with the setback regulations from the OWHH. Commission Member Piatak agreed.

Commission Chairperson Vujevich said that Section 410.8 M. 11. d) ii. would be removed and the section renumbered accordingly.

Ms. Hirsch referred to the comment (Page 20 of Staff Report) regarding the clarity of Section 710.3 A. 2.

The ZC agreed that the requirements were in addition to the requirements of Section 410.8 L. 14. The last sentence of the section was changed to read as follows:

*See ~~also~~ Section 410.8 L. 14 for **additional** Wind Energy Conversion System **submittal requirements**. (Revised)*

Referring to Section 720.2 B. 5. (Page 21 of Staff Report), Ms. Hirsch suggested changing the wording for clarity.

The Zoning Commission agreed to change the wording as suggested by the MCDPS. Section 720.2 B. 5. would read as follows:

A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.

Ms. Hirsch said that Section 720.4 N. (Page 23 of Staff Report) and Section 720.5 M. were unclear.

As recommended, the Zoning Commission revised both items to read as follows:

For **additional** Wind Energy Conversion System **requirements**, see Section 410.8 L. 14. (Effective)

Ms. Hirsch concluded the review of the Staff Report for the Text Amendments.

Without any additional comments from the Commission, Commission Chairperson Vujevich asked if anyone in the audience would like to speak.

Mr. Mike Spacek, Engineered Process Systems, Ltd. introduced himself and said he was an associate of Mr. Glen Ginesi. They represented the Toroks.

Mr. Spacek said that they had been working with the Toroks since November. He said the matter was time sensitive. The State of Ohio required zoning approval before grant applications could be submitted. The USDA had opened their grant application process; however, the Ohio grants were necessary in order to qualify for the USDA grant.

Mr. Spacek said the Toroks were in jeopardy of losing over \$200,000 because they would not qualify for the USDA grant by the June 30th deadline if they did not get some sort of zoning approval.

Commission Chairperson Vujevich said that they had explained to Mr. Ginesi at the last Zoning Commission meeting that a lot of effort went into putting the regulations together and the text amendments moved forward on the fast track. He explained that a vote would be taken after the discussion concluded. The result would be certified to the Trustees on May 11th and the Trustees' public hearing would be scheduled for May 25th. The text amendments would become effective thirty days after Trustee approval. The development plan review could be initiated after the Trustees approved the text amendments.

Commission Chairperson Vujevich asked what Mr. Spacek needed in order to apply for the USDA grant.

Mr. Spacek said that the USDA grant was second to the Ohio grant. He needed an approved zoning certificate or zoning approval. It was considered an incomplete grant application without zoning approval.

Commission Member Piatak did not believe a zoning certificate could be issued without plan approval.

Mr. Spacek wondered if a development plan could be submitted immediately for review.

Commission Chairperson Vujevich did not believe the plan could be submitted because the Trustees had not yet approved the proposed text. Zoning text was not in place to provide the guidelines for review.

Mr. Spacek said that the State of Ohio grant application process took no less than six weeks. The USDA deadline was June 30th. Without Ohio grant approval, the USDA would not approve the grant application.

Commission Member Piatak said that it appeared they needed some type of zoning approval by May 15th. Mr. Spacek confirmed that was true and indicated that it did not appear that would be possible.

In order to facilitate preparing a plan, Commission Member Wetzel thought the final draft of the text (reflecting the most recent changes) could be shared with Mr. Spacek and Mr. Ginesi. The Zoning Commission would meet again on the 12th and 26th of May. Commission Member Wetzel added that there had been times when preliminary and final development plan approval was granted at the same time.

Commission Chairperson Vujevich said that at the last meeting Mr. Ginesi indicated that he could work within the proposed timeframes.

Mr. Spacek said that the USDA deadline (June 30th) was just announced on April 27th. Last year the deadline was August 1st.

Commission Chairperson Vujevich suggested that Mr. Spacek contact Zoning Inspector Emrick regarding the necessary zoning paperwork.

Commission Chairperson Vujevich closed the public portion of the public hearing.

MOTION: Commission Member Piatak made a motion to approve the documents presented for the Text Amendment public hearing for Chapters 210, 330, 410, 412, 430, 510, 710, and 720 with the following noted exceptions.

(Page numbers refer to Medina County Department of Planning Services, Staff Report, dated April 7, 2010.)

Text shall read as follows:

Chapter 210

Section 210.2. B. 2. (page 1)

ACCESSORY BUILDING: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is

incidental and accessory to that of the main building or use and which is constructed subsequent to construction of the principal building or establishment of the principal use of the land. (Revised)

Section 210.2 B. 4. (page 1)

ACCESSORY USE: A use that is on the same lot as and serves a purpose customarily incidental and subordinate to the principal use and is established subsequent to the principal use. (Revised)

Section 210.2 B. 61. (page 2)

FALL ZONE: The area or radius surrounding a wind energy conversion system or telecommunication structure that if it were to fall, would remain confined within the property or parcel where the turbine or telecommunication structure is located. (Effective)

Chapter 330

Section 330.2 D. (page 4)

Wind Energy Conversion Systems shall not exceed 160 feet in height as measured from the average natural grade at the base to the tip of the blade at its highest vertical position.

Chapter 410

Schedule 410.8 – under the notes section of the table (page 5)

- a. Height of turbine at the tip of the blade at its highest vertical position plus ten feet.

Section 410.8 L (page 6)

Remove *Resources* and replace with:

The following resources were used to establish the regulations for wind energy conversion systems:

Italicize the proper names of the cited sources.

Section 410.8 L. 5. (page 7)

All wind turbines shall be UL listed and comply with power company requirements.

Section 410.8 L. 6. (page 7)

Freestanding wind turbines shall not be installed or erected on a mound or base for the intention of siting the system higher than the natural grade and shall not exceed 160 feet from natural grade to the tip of the blade at its highest vertical position. See also Section 330.2 D.

Section 410.8 L. 7. (page 7)

The minimum fall zone for freestanding wind turbines shall be equal to the height of the turbine at the tip of the blade at its highest vertical position plus ten (10) feet and shall be measured from the base of the tower and shall be free from all overhead transmission lines, public or private streets, above ground gas or oil storage or pumping facilities, property lines, and/or buildings meant for human occupation.

Section 410.8 L. 9. (page 7)

The sound pressure level produced by a wind turbine shall not exceed 10 decibels above the ambient decibel level, measured at any property line abutting a contiguous property not owned by the system owner. The sound pressure level shall be measured by successively measuring the sound with the wind turbine turned on, and measured again with the turbine turned off. This level may be exceeded during short-term events, such as times of excessive wind speeds or during power outages.

Decibel level examples shall remain as listed in the document.

Section 410.8 L. 13. a) (page 8)

The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Montville Township Zoning Resolution. If a wind turbine system ceases to perform as originally intended for more than six consecutive months, i.e., zero electricity generation for a period of six (6) consecutive months, the property owner is responsible for repair or totally removing all parts of the system no later than ninety (90) days after the end of the six (6) month period.

Section 410. 8 L. 14. (page 9)

Remove A Development Plan Review and Zoning Certificate shall be required for residential and commercial wind energy conversion systems. and replace with:

A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.

Section 410.8 M. (page 10)

Remove *Resources* and replace with:

The following resources were used to establish the regulations for outdoor wood-fired Hydronic heaters:

Also italicize the proper names of the documents in the resources section.

Section 410.8 M. 11. d) ii. (page 13)

Remove the paragraph and renumber d) iii to d) ii.

Chapter 710

Section 710.3 A. 2. (page 20)

Revise last sentence to read:

See Section 410.8 L. 14 for additional Wind Energy Conversion System submittal requirements.

Chapter 720

Section 720.2 B. 5. (page 21)

Remove as presented and replace with:

A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts.

Section 720.4 N. (page 23)

Revise to read as follows:

For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14.

Section 720.5 M. (page 24)

Revise to read as follows:

For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14.

SECOND: Commission Member Wetzel.

ROLL CALL: Ms. Mary Pawlowski – aye; Mr. Ron Potter – aye; Mr. Alan Piatak – aye; Mr. Dave Wetzel – aye; Mr. John Vujevich – aye.

3. Zoning Updates

Field Assistant Jeffers pointed out the handouts regarding mixed-use zoning.

Discussion and review of proposed Chapter 540, Regulations of Wireless Telecommunication Facilities was scheduled for the next ZC meeting. Two copies of the revised text had been handed out at the last Zoning Commission meeting. The ZC was asked to review both drafts and determine which draft was most appropriate to move forward with the review/discussion.

MOTION: Commission Member Wetzel moved to adjourn the meeting.

SECOND: Commission Member Piatak.

A collective oral vote was taken with all Zoning Commission members in favor of adjourning. The April 28, 2010 Zoning Commission meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature _____
Chairperson

Date _____