**MINUTES**

**FOX CHAPEL PLANNING COMMISSION MEETING HELD MARCH 16, 2020**

PRESENT: Nannette Bennett, Wesley W. Posvar, James Royston, Jeff Todd, Members; Paul R. Bell, Zoning Officer; A. Bruce Bowden, Solicitor; Dana A. Abate, Borough Secretary; Shawn Peterson, Administrative Assistant; John Heyl, P.E., Borough Engineer.

ABSENT: Harrison Lauer, Member.

ALSO

PRESENT: John Jameson, Tesla; Jerry Nist, Hampton Technical Associates; Besty Monroe, Borough Council.

Mr. Royston called the meeting to order at 5:06 PM.

The minutes of Februsary 17, 2020, meeting were approved as submitted.

Hanna Consolidation Plan

Howard Hanna, 1001 West Waldheim Road, is proposing to consolidate two parcels, Lot & Block Numbers 170-F-135 and 170-F-125, into one lot. Preliminary and Final Approval is sought.

It was noted that the applicant is seeking a waiver from Section 380-10A.(1)(j) of the Subdivision Ordinances which states that the final plat shall also contain a statement and covenant that all lots shown thereon shall not be further subdivided and that Council may waive this requirement. The Planning Commission indicated that it had no problem recommending approval of the waiver should Mr. Hanna decide to recreate the second lot as long as the lot meets the requirement of the “D” zoning district.

Following review, it was moved by Mr. Posvar that the Hanna Consolidation Plan be granted Preliminary and Final Approval including approving the waiver as noted above. The motion was seconded and passed by unanimous vote.

Conditional Use Approval Application No. 20-02 – 601 Berkshire Drive

The Borough received a second request for Conditional Use approval from Alex Davit to install solar panels on his home located at 601 Berkshire Drive. The Conditional Use review and approval process requires that the Planning Commission recommend acceptance or rejection of the application with or without conditions to Borough Council; Borough Council conducts a public hearing; and Borough Council votes to authorize or deny the Conditional Use, with or without additional safeguards or conditions.

The property is located at 601 Berkshire Drive and is located in the "C" Residential District. Solar panels are permitted as a Conditional Use in the "C" Residential District, if after review and recommendation of the Planning Commission and a public hearing, Borough Council determines that it has been demonstrated by the applicant by competent evidence that the requirements of Section 400.14(H) (a) thru (i) of the Borough of Fox Chapel Zoning Ordinance have been met.

John Jameson from Tesla was present to answer questions regarding the application. The answers provided by Mr. Jameson are found in **bold** print below.

Section 400.14(H) Solar Panels.

(1) Definition. A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.  **The proposed system will utilize "solar photovoltaic panels" which use solar radiation to generate electricity.**

(2) Repair and replacement of existing solar panels are exempt from this Ordinance provided that there is no expansion in the rooftop area covered by the solar panels. **This is a new installation of solar panels on a house that contains no other solar panels.**

(3) Solar panels shall be located in the least visibly obtrusive location where panels would be functional. **A portion of the solar panels will be located on the front roof section of the home, over the garage, and may be visible from the street. Because of the shading from trees located at the rear of the property, placing all panels, there will not be effective, reducing the efficiency by 23 percent.**

(4) Solar panels and associated equipment shall meet the setback and height requirements for the zoning district in which they are located. **The solar panels and equipment will be roof-mounted without overhanging the roof and will comply with all existing setback requirements.**

(5) Solar panels and associated equipment shall not block required parking. **The solar panels will have no effect on required parking.**

(6) Nonfunctioning solar panels shall be removed within three months of becoming nonfunctional. **Nonfunctioning panels will be repaired or replaced as quickly as possible.**

(7) Solar panels exceeding two (2) square feet in area are not permitted in any front yard, on any face of a building or structure facing a street unless integrated with the ordinary construction of said building or structure, and/or in view of any adjacent street, except roof-mounted solar panels as set forth below. **This section is not applicable.**

(8) Ground-mounted solar panels shall:

(1) Be located in a side or rear yard only.

(2) Not exceed eight (8) feet in height above the ground.

(3) Be fully screened from adjacent properties by fencing or a combination of evergreen and deciduous plantings.

(4) For ground-mounted solar panels, all exterior electrical lines must be in conduit and conduit, and plumbing lines must be buried.

**This section is not applicable since panels will be roof mounted.**

(9) Roof or wall-mounted solar panels:

(a) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface. **The solar panels will be flush mounted attached to the roof surface.**

(b) Separate flush-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation.  **A portion of the system is located on the front of the house due to shading from a large south side tree that shades a large portion of the back of the house. Moving all solar panels to the back of the house would reduce the efficiency of the system by 23 percent. Placing all of the panels on the rear (south-facing) roof is not feasible.**

(c) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation. **The solar panels will not project vertically above the peak of the roof. The existing roof is sloped.**

(d) For rooftop or wall-mounted solar panels, all exterior electrical lines shall be in conduit and painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the conduit (i.e., the conduit on walls should be painted the color of the structure of the wall while conduit on roof should be the color of the roof). **All exterior electrical lines will be concealed in conduit and painted to blend with the existing structure to make them less visible.**

(e) For rooftop or wall-mounted solar panels, all exterior plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the plumbing lines. **The solar panels will not have any exterior plumbing lines.**

The Planning Commission discussed its concern regarding the proposed placement of the solar panels on the front roof section of the house. The Planning Commission indicaed that the applicant did not address other alternate solar methods such as solar shingles or ground panels. The Planning Commission had recommended pruning or removal of the large tree in the rear yard that would allow sunlight into the rear yard. Mr. Jameson stated that the homeowner did not want to remove the tree in the rear yard due to the high removal cost. He noted that cost is dictating the placement of the panels on the northfacing garage roof. The Planning Comimission indicated that the Ordiannce does not provide for approval based on economics and cannot look favorable on the application as submitted.

Following a brief discussion, the Planning Commission indicated that it could not recommend approval of the Application as submitted. Accordingly, it was moved by Mr. Royston that Conditional Use Appication 20-02 be denied. The motion was seconded and passed by unanimous vote.

There being no other business to come before the Board, the meeting was adjourned at

5:50 PM.

SHAWN M. PETERSON