

**BOROUGH OF GREEN TREE
COUNCIL MEETING
MARCH 27, 2017**

Call to Order / Silence for Meditation / Pledge of Allegiance

Green Tree Borough Council met on Monday, March 27, 2017 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania.

ROLL CALL

Members Present:

Mayor Edward A. Schenck
Mark Sampogna, President
Rino Lindsey
David Lorenzini
John Novak
Ron Panza
David Rea
Arthur Tintori

Also Present:

W. David Montz, Borough Manager
Deborah Gawryla, Stenographer

HEARING OF THE CITIZENS

There was no one present who wished to be heard.

REPORT OF GREEN TREE BOROUGH COUNCIL COMMITTEES

A. STREETS & PUBLIC HEALTH - Mr. Novak

- 1. Authorize Borough Manager to execute change order to add 2017 paving to the 2016 paving program through El Grande Industries.**

Motion:

Mr. Novak made a motion, seconded by Mr. Tintori, to authorize the Borough Manager to execute a change order to add the 2017 paving program to the 2016 paving program through El Grande Industries. The streets to be added will be Dale, Evandale, and part of Greenlawn Drive.

When asked, Mr. Novak said that the added cost for the paving of these additional streets was \$136,083.

Mr. Lindsey asked how last year's paving funds had been handled when the paving was postponed. Mr. Montz replied that the 2016 paving funds were moved into the Capital Fund. Last year's paving numbers were good, and by utilizing a change order the borough can have the paving done earlier in the year, get the 2017 paving done under an approved bid contract, and save the time and costs involved in seeking new bids for 2017. The new roads to be paved for 2017 will be paved at the same unit price as the approved bid for the 2016 roads. When all these roads are repaved, the paving will be complete for 2017. Paving should be done by the end of April.

Mr. Montz said that he would be recommending some micro surfacing on other roads, but this improvement would fall under a different contract through the Char West COG and will not be done until later in the summer or early fall.

Motion carried unanimously.

2. Authorize Borough Manager to proceed in a joint bid for micro surfacing through the Char West Council of Governments.

Motion:

Mr. Novak made a motion, seconded by Mr. Tintori, to authorize the Borough Manager to proceed with a joint bid for micro surfacing through the Char West Council of Governments.

Mr. Sampogna asked how many communities in the COG were participating in the micro surfacing. Mr. Novak hoped that the number of municipalities would increase in future years, but at the present he was only aware of North Fayette participating in the program. Discussion continued regarding the details of micro surfacing.

Motion carried unanimously.

3. Mr. Novak said that at the previous March meeting he had misspoken when he reported that North Fayette was saving money by advertising via the internet. He later learned that the representative from North Fayette had indicated that they could save money by using the internet for advertising, but they currently do not use the internet for advertising. It is a state law that requires municipal advertising to appear in a local newspaper servicing the area. Mr. Montz said that the borough attempts to shorten some advertising that appears in a newspaper of local circulation, referring readers to visit the borough's website where more details can be provided. However, zoning laws require specific information in the newspaper advertising and cannot be shortened. Discussion continued regarding the effectiveness of newspaper advertising.

B. PLANNING & ZONING - Mr. Lorenzini

1. Review - Proposed Comprehensive Rezoning Ordinance as submitted by the Green Tree Planning Commission in March 2016.

Mr. Lorenzini stated that Council would be reviewing the Light Industrial District and the Heavy Industrial District at this meeting. The Light Industrial District comprises Trumbull Drive along with the property housing the Pennsylvania Macaroni Company and the business building property housing the former Walgreen's in Rook. The Heavy Industrial District comprises the existing railyard. Following the review of these two districts, Mr. Montz will be asking Council for direction about the proposed Mixed Use District.

LIGHT INDUSTRIAL DISTRICT

Permitted Uses

Animal Daycare

Mr. Montz said the Animal Daycare and Kennel appear to be the same. He recommended the two be combined into one use titled "Kennel / Animal Daycare." He said the language defining this use should be expanded to include 24-hour surveillance, a requirement that animals are attended each day, and prearrangement requirements to allow pet owners to claim their animals at times when the facility is closed, such as on weekends, evenings or holidays.

Assisted Living Facility

Mr. Montz recommended that this be removed from the district. Mr. Rea asked how an Assisted Living Facility was different from a Nursing Facility, a Personal Care Facility, or

Independent Living Facility. Mr. Montz said an Assisted Living Facility, Personal Care Facility, or an Assisted Living Facility would all be similar, whereas a Nursing Facility would require a higher level of care. However, he suggested that all these living facilities be removed as permitted uses from this district since it is an industrial district. Council agreed.

Mr. Montz recommended that Independent Living Facility and Institution Home should be conditional uses in this district with a condition requiring that the facilities must exit to a state road. Council agreed to this change. Discussion continued regarding the current property owners in this district.

Bank

This item should be removed from this district.

Church / Place of Worship / Religious Institution

This item should be removed from this district.

Essential Communications Antenna / Tower

This item should be removed from this district.

Flea Market

Although Mr. Montz suggested that this item be removed from the district, Council decided to leave it in the district.

Funeral Home / Mortuary

Mr. Montz recommended that Funeral Home / Mortuary be removed from this district, but **Crematorium** should be added to the district as a permitted use. Council agreed.

Parking Structure / Parking Garage

This item should be removed from this district. However, parking structures or garages would be permitted as an ancillary use.

Home Based Business, No Impact

This item should be removed from this district since there are no homes in this district.

Hotel / Motel

This item should be removed from this district.

Independent Living Facility and Institutional Home

These two items should be moved to the conditional use category in this district with the supplemental regulations requiring ingress and egress onto a state road.

Parking Lot

This item should be removed from the district, but is permitted as an ancillary use to a business.

Personal Care Facility

This item should be removed from the district, or added to the conditional use listing requiring the facility to exit onto a state road only.

Research and Development, Laboratories

After a discussion, Council agreed that the word "Laboratories" should be removed from this use's title and it should read, "Research and Development Facility."

Retail Stores

The two different sizes of Retail Stores should be removed from the district. There should be no retail stores in this district.

Self-Storage Facility

Mr. Montz said that a requirement should be added to this use allowing on-site management housing as an ancillary use. Many self-storage facilities, including the existing one along Trumbull Drive, have living quarters for a resident, on-site manager. Council agreed that this should be added, indicating that there should only be one residential unit for the facility.

Discussion took place regarding whether Home-Based Business, No Impact should be left in this district because there would be a residence in the district. Mr. Montz said he would look further into this item and the wording of the definition and conditions regarding this issue.

Entertainment Facility

Mr. Tintori asked about adding an Entertainment Facility in this district. He described it as a venue for concerts, or a multiplex entertainment facility, either outdoor or indoor. Mr. Montz suggested that an Entertainment Facility could be included as a conditional use. Mr. Lindsey felt that such an outdoor venue might not be far enough away from residents for sound. Mr. Lorenzini said there were definitions for Recreational Commercial, Indoor and Recreational Commercial, Outdoor that could be considered. Mr. Montz said if it were a conditional use, setting a distance from residential districts could be a requirement. Discussion continued regarding the possible details of allowing such a use. Mr. Montz said he would look into the details of including such a venue in this district.

Medical Marijuana

Mr. Rea asked if medical marijuana usage should be added as a use in the ordinances. Mr. Montz replied that a medical marijuana dispensary is basically a pharmacy. A licensed pharmacist, doctor, or physician's assistant must be on staff. Most regular pharmacies will not carry medical marijuana and the dispensaries will most likely be stand-alone facilities. Mr. Montz detailed some of the strict laws that will govern the dispensing of medical marijuana. Mr. Lorenzini said that Planning Commission had discussed this issue and learned that the state will be setting guidelines for the growing, distribution, and sale of medical marijuana. Mr. Montz said that he would provide Council with additional information regarding the rules for medical marijuana and get a legal opinion on distribution. Discussion continued regarding medical marijuana.

Wind Energy Equipment, Small

This use should be moved from a permitted to a conditional use in this district.

Conditional Uses

Boat Storage

The name of this use should be changed to "Boat Storage, **Indoor**."

Crematorium

This item was moved to a permitted use in the Light Industrial District.

Gas Station

This item should be removed from this district.

Golf Course

This item should be removed from this district.

Hospital

This item should be removed from this district.

Kennel

This item was combined with Animal Daycare, titled, "Kennel / Animal Daycare," and should be considered a permitted use in this district.

Night Club

This item should be removed from this district.

Mr. Montz said he would review the maximum building heights listed in order to keep the heights of the buildings about the same as what is currently in this area. He did not think that the maximum height would exceed 50 feet.

HEAVY INDUSTRIAL DISTRICT

Permitted Uses

Essential Communication Antenna / Tower

This item should be removed from this district.

Farm Equipment Supply and Sales

Mr. Montz suggested that this be removed from this district. After a discussion, Council decided that it should be left in.

Garage, Parking Structure

This item should be removed from this district. It will be a permitted ancillary use.

Parking Lot

This item should be removed from this district. It will be a permitted ancillary use.

Warehouse and Storage

The word "Commercial" should be added to the name of this use to read, "Warehouse and Storage, Commercial." Mr. Montz suggested that "Indoors" might be added to the name as well. Mr. Rea asked if Boat and Marine Sales and Service in this district would be permitted to store or display boats outside. Mr. Tintori said that most boat and marine sales and service places are permitted to keep their boats outside. Discussion continued regarding how most boat and marine sales and service store their boats.

Council decided to leave "Boat and Marine Sales and Service" as it appeared in the ordinance.

Wind Energy Equipment - Small Wind Facility

This item should be a conditional use in this district.

Discussion continued regarding several uses that could be included in this district, but nothing was changed. Mr. Montz said he and the Borough Solicitor had discussed the addition of a clause in the zoning ordinances to address uses that are not listed in the ordinance itself, since the borough cannot possibly include every possible use.

Mr. Rea asked if Mr. Montz had received any feedback regarding the condition of the railroad bridge. Mr. Montz said he had not gotten a reply from the railroad.

Mr. Montz said the maximum building height in this district would need to be changed to more accurately reflect the heights of the buildings in the area and he would look into this further and provide a recommendation. Discussion continued regarding the sizes and heights of the lots and buildings in this area.

MIXED USE DISTRICT

Mr. Montz said that Council has not yet reviewed the proposed Mixed Use District that would include the area along Greentree Road across from Aiken School and Green Tree Park from Parkway Center Drive to Mansfield, and also along the higher side of Greentree Road between Pocono and Carnahan. The Mixed Use District would permit residential use, but has an expanded list of conditional than the Residential District. Many of these conditional uses need additional conditions added. He read the list of conditional uses listed in the draft and questioned why these areas needed to be changed from residential.

Mr. Montz said that both the areas proposed for a Mixed Use District are located within Greentree Road's three-lane highway system. He felt that besides residential usage, Bed & Breakfast and Home Occupation uses could be added. The details of a Home Occupation were discussed at length. However, he said that additional development of businesses along Greentree Road would make the current traffic problems even worse. Additionally, a number of residents who spoke at the Public Meeting on the zoning ordinance have been strongly opposed to this change in zoning.

Mr. Montz said that he has heard that some people feel that these areas are considered to be blighted. He personally did not think these areas were blighted, and felt that allowing Home Occupations in these areas could address this issue. He suggested that the areas proposed for the Mixed Use District should be changed back to Residential, allowing for Bed & Breakfast and Home Occupation. Discussion continued regarding the topography of the areas in the Mixed Use District.

Mr. Lorenzini said that one of the recommendations in the 2010 Comprehensive Plan was for the creation of a Mixed Use development. Mr. Lindsey said he had been opposed to a Mixed Use District during the development of the Comprehensive Plan. Mr. Sampogna said the Comprehensive Plan was a guide or suggestion for the direction that the borough should take in the future. Mr. Montz said that the Mixed Use District

had been proposed by residents in those areas who felt their properties were not being utilized to their maximum potential. Review of the areas continued.

Mr. Lindsey said that the borough currently has plenty of room for business and he did not see the need for the Mixed Use District. Mr. Sampogna said that he had done a survey and found an ample supply of available office space for small to medium-sized businesses. Mr. Lindsey felt that Green Tree needed more homes and not businesses and it appeared that only Mr. Lorenzini was in favor of this district. Mr. Rea, Mr. Tintori, Mr. Sampogna, and Mr. Lindsey said they wanted to keep this area residential.

ADJOURNMENT

Motion:

Mr. Lindsey made a motion, seconded by Mr. Panza, to adjourn.

Mr. Lorenzini thanked everyone on Council for their consideration. Mr. Tintori said that the Mixed Use issue has been opposed for a long time. Mr. Lorenzini asked why the 2010 Comprehensive Plan had been approved to include a Mixed Use District if Council was opposed to it back then. Mr. Sampogna said the Comprehensive Plan was a recommendation and he was not ready to kill the idea in 2010, but he has always felt that a Mixed Use District is not something that Green Tree needs. He felt it was wrong from the traffic standpoint, it was wrong from the drainage standpoint, and it was wrong from a usage standpoint because the borough does not need additional office space. Mr. Sampogna said he has not heard an argument to convince him otherwise.

Mr. Lorenzini said that some Council members have claimed to be "pro-business," and do not want to turn away new businesses in the future. The proposed Mixed Use District would be a way to encourage that with attorneys' and doctors' offices, etc. Mr. Rea said he is also "pro-resident," and fought to keep Aiken School open when it was said that the borough did not have enough residents. Mr. Lorenzini said the battle to keep Aiken open had not been a battle for Green Tree Borough Council. Mr. Montz felt that Council should always fight to keep a school, church, etc., in the borough, because that is what makes a community. Mr. Lorenzini felt that a Mixed Use District would be an amenity in the community. Mr. Montz said those areas could allow home based businesses.

Mr. Panza said he was not completely in agreement with the proposed Mixed Use District, but he is not opposed to tweaking a few items in the district to make it better. He did not see a problem with allowing some signage for businesses in this area, as long as the structure of the building is not changed and additional parking lots are not added.

Mr. Lindsey said there are already people in the Residential District that have businesses in their basements without a change in the zoning. Mr. Sampogna said they are Home Based Business, No Impact. When asked, Mr. Montz said that home-based businesses must get a permit from the borough and the Code Enforcement Officer inspects it. Discussion continued regarding the possible pros and cons of a Mixed Use District. Mr. Montz said a majority of Council is not in favor of a Mixed Use District. Mayor Schenck said that although he does not get a vote on this matter he felt that areas involved should remain residential. Mr. Novak said that there would be a drainage problem from Greentree Road onto Cherry Street if the properties on Greentree Road were altered. Mr. Sampogna said a stormwater plan would be needed for that area to be

developed more. Mr. Montz said he has received more complaints during his career from residents about commercial development than he has received complaints from the larger office complexes.

Motion carried unanimously.

Mark Sampogna, President

W. David Montz, Manager

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