

**BOROUGH OF GREEN TREE
COUNCIL MEETING
APRIL 7, 2008**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Green Tree Borough Council met on Monday, April 7, 2008 at the Green Tree Municipal Center, 10 West Manilla Avenue, at 8:00 p.m.

ROLL CALL

Members present:

Vincent J. Abbato, Mayor
Mark Sampogna, President
Daniel Behanna
Paul Kirsch
Janine Palmer
Ron Panza
Edward Schenck
Arthur Tintori

Also Present:

W. David Montz, Borough Manager
Peter Molinaro, Jr., Borough Solicitor
Marian Kochin, Junior Council Person
Deborah N. Gawryla, Stenographer

PUBLIC HEARING

Considering amendments to the zoning ordinances of the Borough of Green Tree for the adoption of an ordinance establishing regulations to permit a Planned Residential Development (PRD) in the Commercial B-1 Zoning District. If adopted, this ordinance will allow for a planned residential development in the B-1 Zoning District under regulations that permit a more creative use of the land, allow for townhouses, cluster house dwellings, multi-story/multi-dwelling cluster houses and high-rise apartments. The ordinance will regulate lot sizes, buffer areas, building size and spacing, provide for density regulations, establish minimum building design criteria, mandate site improvements, set regulations for common open space areas, trees and landscaping, sidewalks and streetlights. Administrative procedures and procedures for tentative and final approval of the PRD are set forth in the ordinance.

In addition, Council will consider an amendment to Chapter 1240 of the Planning and Zoning Code to provide definitions for cluster house dwellings, high-rise apartments, multi-story/multi-dwelling cluster houses and parking structures.

Mr. Schenck stated that the Public Hearing was to consider the establishment of a Planned Residential Development (PRD) zoning ordinance for Green Tree. The Municipal Planning Code permits PRDs and a state statute is in place regarding how a PRD should be structured. The former Parkway Center Driving Range is the area being considered for the development of a PRD. This area includes 16 acres in Green Tree Borough and ten acres in the City of Pittsburgh. The Green Tree land is currently zoned Commercial B-1. The Commercial B-1 District encompasses the entire Parkway Center area. Mr. Schenck reviewed what types of structures would be permitted in a PRD under the Municipal Planning Code. These types of developments are generally close to public transportation and provide residents a home close to their place of employment.

Mr. Schenck said that the proposed ordinance requires a minimum of ten contiguous acres of land to build a PRD, so the Parkway Center driving range site would meet this requirement. The ordinance would permit residential uses, including townhouses, cluster housing, multi-story/multi-family dwelling cluster houses and high-rise apartments. High-rise apartments can be a maximum height of 100 feet.

Fifteen percent of the land must be dedicated to natural open space, 15% must be usable common open space and a plan for permanent care and maintenance of the open space must be provided. Mr. Schenck felt that this type of development would benefit Green Tree by providing more residential options in Green Tree Borough.

Mr. Schenck said that Planning Commission has recommended the proposed ordinance with several suggested changes. Most of their input has been incorporated into the proposed ordinance. However, the ordinance does not include the recommendation that "apartment high-rise" be changed to "condominium high-rise." Mr. Schenck stated that he preferred "apartment high-rise" instead of "condominium high-rise" because the apartments would allow those who do not wish to own property to live in Green Tree.

Mr. Schenck stated that Allegheny County had reviewed the proposed ordinance and sent a six-page reply with comments. It appears that their comments do not require major changes to the ordinance, but their recommendations will be reviewed and considered.

Mr. Sampogna opened the Public Hearing.

Marguerite Canonge, 229 E. Elmhurst Road

Mrs. Canonge stated that she was a member of the Green Tree Planning Commission, but she would also like to speak as a resident. She was concerned about how residents would enter and exit and development. She felt there would be problems with shared services since the development would encompass both the Borough and the City of Pittsburgh. She was concerned about the density of the development and said that she did not feel that a planned residential development would be conducive to the Borough of Green Tree. She was opposed to it.

Irving Firman, One PPG Place, Pittsburgh, PA 15222

Mr. Firman stated that he is the attorney for Southstar Developers, the owner and developer of the property. He introduced by Ms. Lynn DeLorenzo, Southstar Development, Mr. Ed Pope of Parkway Center Associates, and Mr. Joe Hackett, architect from LaQuatra-Bonci Architects. Mr. Firman said that this group was responsible for requesting the proposed planned residential development. The plan was to make one unified development. He said Ms. Lynn DeLorenzo would provide additional information about the development.

Lynn DeLorenzo, Southstar Development

Ms. DeLorenzo stated that she is a resident of Moon Township. She has been working with communities in Florida for the past 20 years to help determine their highest and best uses. She works for Southstar Development Partners and has done so for 27 years. They have won awards for the quality and aesthetics of some of their developments and landscaping. Upon returning to the Pittsburgh area, Ms. DeLorenzo became involved in transportation and transit issues and has worked on Allegheny County's long-range transportation plan to integrate land use and density to provide more efficiency with the roadways. Ms. DeLorenzo has also been on the steering committee of the Allegheny County Comprehensive Plan working on issues incorporating land use and density in being the most efficient with transportation dollars with an eye on the region's future.

After reviewing possible locations for a possible planned residential development, Ms. DeLorenzo said she kept coming back to the area of the Parkway Center driving range. This area has a strong, suburban tenant mix with high-quality tenants occupying the buildings. There is some retail and a grocery store nearby. These components help make a successful mixed-use development and a

trendy, high quality, residential, multi-family development would add a lot of the area. The proposed development would incorporate many of the principles in the County's comprehensive by creating a pedestrian-friendly environment, where people could live, walk to work or catch public transportation and embrace the concept of "new urbanism."

Ms. DeLorenzo said that they hoped to build a development that would create value and fit within the fabric of the existing community. She and others have been working on this project for a year now and she hoped that the proposed ordinance would help create a development that would fit nicely into the community.

Mr. Schenck asked for an explanation of the ingress and egress for the proposed development.

Joe Hackett, Architect, LaQuatra-Bonci Architects

Mr. Hackett presented a drawing of the proposed development and explained the tentative details. He said the developer would have to have the project approved by both Green Tree and the City of Pittsburgh.

Carl Dupper, 160 Parkedge

Mr. Dupper asked if there was any way to prevent Section 8 housing in the rented areas of the development. Mr. Firman replied that the development will be a high-end development with units costing approximately \$175,000 to \$325,000 each. Mr. Dupper was concerned that those units selling for \$175,000 could be rented as Section 8 housing because there was also no way to control what the City of Pittsburgh might approve for the development. Ms. DeLorenzo anticipated that the development would be "transparent" – one development looking the same in both Green Tree and Pittsburgh. Discussion continued regarding the specifics of the units that would be built.

Mayor Abbato asked if it was feasible to make all of the units privately owned with the current real estate market and the number of foreclosures that have been occurring. Mr. Firman replied that there would be a homeowner's association that would establish the conditions and regulations for the PRD.

Mr. Tintori asked for the proposed timetable for development. Mr. Firman replied that the developers have not yet presented any plans to the City of Pittsburgh yet. Assuming that the proposed ordinance for zoning is passed in Green Tree, the developers would approach the City to make certain they are also agreeable to the project. Following this OK, the developers would begin the land development process in about eight months.

Mr. Behanna asked how many units would be built in the development. Mr. Firman replied that approximately 240-250 units would be constructed in Green Tree and another 70-100 in the City of Pittsburgh.

Carol Koziell, 220 Arla Drive

Mrs. Koziell asked the developers to show her the dividing line between Pittsburgh and Green Tree for the development. Mr. Hackett pointed out the dividing line on his drawing. She asked why they planned to develop in the City of Pittsburgh instead of merely developing the land in Green Tree. Mr. Firman said that the dividing line was in the center of the former driving range property.

Marilyn Albitz, 1061 Greenlawn Drive

Mrs. Albitz asked if a lot of the land was going to be moved as part of the development since much of the area has been undermined. She asked if the buildings would be structurally sound.

Ed Pope, Parkway Associates, 875 Greentree Road

Mr. Pope said he is part of the ownership team for the Parkway Center office buildings. He showed which buildings he is responsible for and said there have been no problems with the settling of the ground for his buildings. He detailed the plans to drill pillars into the ground to prevent any settling in the proposed development area. He said that a lot of money will be spent to make certain that the ground is safe before any type of development even begins. He added that the development would be high-end and he did not foresee it becoming Section 8-type properties. Once the development is completed, the property would come under the rules of the homeowner's association.

Mrs. Canonge asked how the sewage would be removed from the development because of the terrain. Mr. Pope replied that a pump station would be built to remove the sewage. Discussion continued regarding the specific types of structures that would be permitted in the PRD. Ms. DeLorenzo said that the developers plan to work with the existing terrain of the property to keep the natural elevation and there should not be a lot of earthwork.

Mr. Montz stated that under Ordinance 1279.03.7 the PRD will be allowed to have 20 units per acre. With 16 acres, there could be as many as 320 units in Green Tree. Mr. Behanna said that although the entire development could be high-rises, he did not feel that was the intent of the developer. Discussion continued regarding the development.

Mr. Sampogna closed the hearing at 8:50 p.m.

APPROVAL OF THE MINUTES

March 3, 2008

Motion:

Ms. Palmer made a motion, seconded by Mr. Schenck, to approve the minutes of the March 3, 2008 Council meeting as presented.

Motion carried, with Mr. Sampogna abstaining because he had not attended this meeting.

MAYOR'S REPORT - Mayor Abbato

Mayor Abbato said that he had met with representatives from the railroad and Modern Transportation Services. The railroad is proposing to install four silos of freck sand, which is used in the mining of natural gas wells. Eventually the railroad might have to approach the Borough regarding the installation of the silos on the property. Mr. Montz said that the Solicitor will be reviewing an intermodal transportation act under a federal statute that will cover this development. Mr. Molinaro said that the Borough has some limited rights in conjunction with the operation of the railroad. The Borough's rights are not as great as they are with development of other private properties because it cannot interfere with the operation of the railroad. Mayor Abbato hoped that this might lead to allowing future development of the land. Modern Transportation will be putting money into paving some of the area and additional rail cars will be coming through each week. Mayor Abbato said he has also talked to the County about the possibility of getting the railroad land developed.

HEARING OF THE CITIZENS

Paul Bingham, Senator Fontana's Office

Mr. Bingham introduced himself and said he would be the interface between the Borough and Sen. Fontana's office, located in Kennedy Township. He informed Council that Sen. Fontana has co-authored a bill that will allow municipalities to develop a service agreement with non-profit

organizations within their municipalities allowing a financial arrangement to be set up to help pay for services provided.

Mr. Montz said that there is currently legislation that proposes the collection of local earned income tax on a County-wide basis. This will not give municipalities much input on local EIT collection. Mr. Montz said that Green Tree Borough has already informed the Senator of Green Tree's opposition to the bill. The bill has now left committee and is headed to the Senate floor. Mr. Montz said that many municipalities might lose a lot of revenue if taxes are collected by a larger agency. The Borough does not feel that the State should mandate how municipalities should collect local earned income taxes. Mr. Montz asked Mr. Bingham to convey this message to the Senator and Mr. Bingham said he would. Discussion continued regarding the bill.

Marilyn Albitz, 1061 Greenlawn Drive

Mrs. Albitz thanked Council for replacing the new railings at the entrance to the library. Mrs. Albitz asked if it was possible to add one or two handicapped parking spaces in the front of the library. Often when she comes to the building she has been unable to get a handicapped space. When parking in a regular space, she has been unable to open her car door far enough to exit the car. Mr. Montz said he would look into this matter.

REPORT OF BOROUGH COUNCIL COMMITTEES

A. FINANCE - Mr. Behanna

1. Motion:

Mr. Behanna made a motion, seconded by Dr. Kirsch, to ratify the actions of the Borough Manager in paying the March 2008 General Fund - EFT utility payments totaling \$27,092.05, Payroll Account totaling \$155,418.32, Educational Service Agency totaling \$4,548.23, Health Care Fund totaling \$1,762.65, Sanitary Sewer Maintenance Fund totaling \$1,907.34, Capital Projects Fund totaling \$67,123.57, Public Works Department Equipment Fund totaling \$24,705.00, Purchasing Card totaling \$2,004.08 and other bills on the bill sheet totaling \$43,599.59.

Motion carried unanimously.

2. Motion:

Mr. Behanna made a motion, seconded by Dr. Kirsch, to approve payment of the April 2008 invoices from the General Fund totaling \$110,945.35 and the Capital Projects Fund totaling \$5,279.14.

Motion carried unanimously.

3. Ordinance #1601

Fixing the salaries of certain Borough employment positions and establishing rates of certain Borough employments positions effective April 15, 2008 and continuing for subsequent years unless otherwise changes by Borough Council.

Mr. Behanna said that the Borough has been approved to receive an intern from the Local Government Academy this summer. The rate must be increased in order to get the intern and to have LGA pay 50% of the intern's salary.

Motion:

Mr. Behanna made a motion, seconded by Dr. Kirsch, to place Ordinance #1601 on first and final reading by title only.

Motion carried unanimously.

Mr. Molinaro read Ordinance #1601 by title only.

Motion:

Mr. Behanna made a motion, seconded by Dr. Kirsch, to pass Ordinance #1601 on first and final reading by title only.

Roll Call Vote

Mr. Behanna	Yes
Mr. Panza	Yes
Mr. Schenck	Yes
Dr. Kirsch	Yes
Ms. Palmer	Yes
Mr. Tintori	Yes
Mr. Sampogna	Yes

Motion carried unanimously.

Motion:

Mr. Behanna made a motion, seconded by Dr. Kirsch, to authorize the proper officers to sign Ordinance #1601 and that it be advertised according to law.

Motion carried unanimously.

B. PUBLIC SAFETY - Ms. Palmer

1. Recommendation to promote Probationary Police Officer Bean to regular patrolman status, effective April 9, 2008.

Ms. Palmer read a letter from Police Chief Cifrulak regarding Officer Bean's exemplary performance.

Motion:

Ms. Palmer made a motion, seconded by Mr. Behanna, to promote Probationary Police Officer Joelle Bean to regular patrolman status, effective April 9, 2008.

When asked, Chief Cifrulak, who was in the audience, stated that Officer Bean is a quality police officer.

Motion carried unanimously.

2. Authorize Borough Manager to advertise for bids to purchase new fire engine to replace the current engine.

Ms. Palmer stated that this item was budgeted and will replace the 1972 Mack fire engine.

Motion:

Ms. Palmer made a motion, seconded by Dr. Kirsch, to authorize the Borough Manager to advertise for bids to purchase a new fire engine to replace the current engine.

Motion carried unanimously.

3. Ms. Palmer reported that on February 29 Officer Monaco and his wife welcomed a baby girl, and on March 31 Officer Earley and his wife also had a baby girl.

C. RECREATION & COMMUNITY AFFAIRS - Mr. Panza

1. Mr. Panza reported that plans for the upcoming Farmer's Market are coming along.
2. Mr. Panza said that the Octoberfest Committee is considering having a country band this year.
3. Ms. Kochin stated that there will be a planning meeting for the 125th anniversary celebration of the Borough on Wednesday, April 23 at 7:00 p.m. at the Fire Hall. The meeting is open to all residents and organization representatives.

D. PLANNING & ZONING - Mr. Schenck

1. **Authorize Borough Manager to execute agreement with General Code for Total Document Management.**

Mr. Schenck said that this agreement will start the process of having the Borough's ordinances and minutes available on the Borough's website. Mr. Montz detailed the advantages of this agreement.

Motion:

Mr. Schenck made a motion, seconded by Mr. Behanna, to authorize the Borough Manager to execute an agreement with General Code for Total Document Management.

Motion carried unanimously.

2. **Planning Commission**

Mr. Schenck reported that Mr. Joseph Hodson is the new Chairman of the Planning Commission for 2008, Mr. Rino Lindsey is Vice Chairman, and Mr. Ed O'Donnell is Secretary. The Planning Commission has submitted a 2007 annual report detailing the items they reviewed during the year. The Planning Commission will be meeting on April 9 for an advisory discussion regarding outdoor seating at Alexion's.

3. Mr. Schenck said that he would not be making a motion regarding the passage of the proposed planned residential development ordinance since the County's suggestions must be reviewed and incorporated into the ordinance. If the changes are deemed to be substantial, another public hearing must be held. However, Mr. Schenck felt that the changes will probably not be considered substantial, but the Solicitor must determine that.
4. Mr. Montz said that Council had voted on setting a Public Hearing for May 5 for a proposed ordinance to amend the Local Business District, as well as create a new Streetscape District. However, after checking the dates, Mr. Montz discovered that, according to the Planning Code, a longer advertising period was needed prior to holding the Public Hearing. After a discussion, Council felt that Public Hearing could be held on May 19.

Motion:

Mr. Schenck made a motion, seconded by Ms. Palmer, to set a Public Hearing on May 19, 2008 for the proposed amendment to the Local Business District ordinance and the establishment of the Streetscape District ordinance.

Motion carried unanimously.

E. STREETS & PUBLIC HEALTH - Dr. Kirsch

1. Motion:

Dr. Kirsch made a motion, seconded by Ms. Palmer, that the letter sent by the Council President and the Mayor to the residents of 1142 Glencoe Avenue, dated January 11, 2008, offering free options for resolution of their easement dispute, be considered the final offer by Green Tree Borough in this matter.

Motion carried unanimously.

F. PUBLIC PROPERTY & EQUIPMENT - Mr. Tintori

1. Resolution #1096

Authorizing the renewal of the agreement for participation in the Central Westmoreland Council of Governments vehicle purchasing program.

Motion:

Mr. Tintori made a motion, seconded by Ms. Palmer, to adopt Resolution #1096.

Mr. Molinaro read Resolution #1096 by title only.

Roll Call Vote

Mr. Tintori	Yes
Mr. Panza	Yes
Mr. Schenck	Yes
Ms. Palmer	Yes
Mr. Behanna	Yes
Dr. Kirsch	Yes
Mr. Sampogna	Yes

Motion carried unanimously.

2. Bid Award - ADA Picnic Tables through Char West COG using CDBG Grant Funding.

Motion:

Mr. Tintori made a motion, seconded by Mr. Behanna, to accept the bid of General Recreation, Inc., for \$8,250.00 for ten ADA picnic tables through the Char West COG using CDBG grant funding.

Mr. Panza asked if the total price of the picnic tables was covered by the grant. Mr. Tintori replied that it was. Discussion took place regarding the bid procedure.

Motion carried unanimously.

3. Mr. Tintori reported that the dugout and storage facility at Hemlock Field is almost entirely completed. GAA has begun moving in its supplies for the season.

LIAISON REPORTS

1. MRTSA - Mr. Montz

Mr. Montz reported that MRTSA has a new billing company and its cash flow is better as a result.

2. Char West COG - Mr. Behanna

Mr. Behanna said that the annual COG dinner is next Thursday. Anyone interested in attending should notify the Administrative Office.

3. Library Board - Mr. Sampogna

Mr. Sampogna reported that the library and the Garden Club are sponsoring a joint tour of eight local Green Tree gardens in June.

The library is now offering a new service called "My Library DV," allowing patrons to download videos onto their computers at no cost. The list of videos that are available can be found on the library's website.

Mr. Sampogna said the library is lending out activity kits for patrons who might have young children visiting them. These kits are theme-based and will provide entertainment and fun.

The vacant library clerk position has been filled.

The Library Board approved the strategic plan for 2008-2011 and it is available for review at the library. The Board also is reviewing the library's by-laws.

4. Keystone Oaks School Board - Mr. Schenck

Mr. Schenck said the school board wishes to have part of Aiken's parking lot paved and has asked the Borough to consider adding it to the Borough's paving contract. The school district would reimburse the Borough, but felt they could get the paving done at a lower price. Mr. Montz said that he is working on the details with the school district to see if this is feasible.

PRESIDENT'S REPORT - Mr. Sampogna

Mr. Sampogna said that the Foliart House on Greentree Road had been demolished on January 2, 2008. Ms. Palmer had expressed getting a brick from the house. Mr. Sampogna presented Ms. Palmer with an engraved brick from the Foliart House reading, "Original brick from Foliart House, constructed in 1942, demolished January 2, 2008, presented to Janine Palmer in recognition to your dedication to the Greentree Athletic Association." The audience applauded.

SOLICITOR'S REPORT - Mr. Molinaro

Mr. Molinaro had nothing to report at this time.

MANAGER'S REPORT - Mr. Montz

1. Mr. Montz reported that when the Parkway Center driving range was sold, he had requested the lights. They have graciously agreed to donate 13 lights to the Borough and an agreement is being formalized. He asked Council for authorization to sign this agreement after the Solicitor's review.

2. Motion:

Dr. Kirsch made a motion, seconded by Ms. Palmer, to authorize the Borough Manger and Council President to sign an agreement to obtain the lights from the Parkway Center driving range, pending the Solicitor's review of the legal agreement.

Motion carried unanimously.

3. Mr. Montz said that the Police Department and the Pennsylvania Attorney General's Office would be sponsoring a program on Identity Theft on April 10 at 7:00 p.m. at the Fire Hall. It is free and open to the public.

4. Mr. Sampogna stated that he had a copy of the report regarding the possible merger between city and county services for anyone who might be interested in reviewing it.

ADJOURNMENT

Motion:

Mr. Schenck made a motion, seconded by Ms. Palmer, to adjourn the meeting at 9:35 p.m.

Motion carried unanimously.

Mark Sampogna, President

W. David Montz, Manager

dng