

**BOROUGH OF GREEN TREE
COUNCIL MEETING
APRIL 25, 2016**

Call to Order / Silence for Meditation / Pledge of Allegiance

Green Tree Borough Council met on Monday, April 25, 2016 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania.

ROLL CALL

Members Present:

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

Also Present:

W. David Montz, Borough Manager
Peter Molinaro, Jr., Borough Solicitor
Rebecca Chembars, Planning Commission Chair
Cheryl Bakin, Planning Commission
James Turocy, Planning Commission
Deborah Gawryla, Stenographer

HEARING OF THE CITIZENS

There was no one present who wished to be heard.

REPORT OF BOROUGH COUNCIL COMMITTEES

A. PLANNING & ZONING - Mr. Lorenzini

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

Mr. Lorenzini thanked the members of the Green Tree Planning Commission for attending the meeting to help with the transition of the review of the proposed zoning ordinance from Planning Commission to Council.

Mr. Montz suggested that the review begin with the Single-Family Residential District (R-1). He said Planning Commission had provided a great start with the revision of the entire zoning code. The current zoning code has 15 zoning districts and the revised version before Council has 10 districts. The Comprehensive Plan had indicated that the borough had too many districts and that number should be reduced.

Mr. Montz said that the review should include whether there is too much detail or not enough detail throughout the ordinance. There were some areas where no changes would be made. Mr. Montz said he had found it confusing to know where to go in the revised ordinance to find various items, but after discussions with Mackin Engineering he found that the Use Table in the ordinance lists all uses alphabetically, shows which districts the use is either permitted or a conditional use, and lists where references to the use can be found in the ordinance. After a discussion, Mr. Montz felt that the Use Table was too far back in the document and he wondered how the search engine would work on this document when the zoning was placed online. He said that some details of the navigation would have to be worked out to make it easier to navigate. Mr. Rea felt it would be easier to find items using an online search engine where a term could be typed in and a listing of all the locations of that item are provided. Mr. Lorenzini asked how many people use the online version of the code versus the book/paper version. Mr. Montz said he did not have that information, but felt that more people would be referring to the online version. Mr. Montz said that he had informed Mackin that he was not happy with the way the document was written and they will correct it at no charge.

Mayor Schenck said that there are two terms, "Home-Based Business, No Impact," in the definitions section, and "Home Occupation" and asked about the differences between the two. Mr. Molinaro replied that "Home-Based, No Impact" is permitted in every district by the MPC, but "Home Occupation" does not have to be permitted in every district.

Mr. Montz said that each district has a list of permitted and conditional uses. Permitted uses are permitted by right, whereas conditional uses must meet additional conditions to be approved for the district. Some of the uses listed as conditional uses do not seem to have additional conditions and those should be added.

A review of "Bed & Breakfast" took place. He suggested that entrances/exits for bed & breakfasts should only be permitted on state-maintained highways, which would be Greentree Road, Poplar, Mansfield, or Noblestown. Other conditions to be considered would be to require the proprietor to live at the location, minimum lot size requirements, bigger setbacks, etc.

Mr. Rea asked what would happen procedurally when Council wants changes made to various sections in the ordinance. Mr. Montz replied that Council would make changes, corrections, or additions to the ordinance and when the process is completed it would go back to Planning Commission for review. Mr. Molinaro clarified that each item that is revised does not need to go back to Planning Commission for review. Instead, a comprehensive review of the document would be sent back to Planning Commission for its review and recommendation once Council's review is completed. Mr. Sampogna suggested that as items are recommended for revision, Mr. Montz or Mackin would make those revisions and bring back the revised version for Council to review at the next meeting. Discussion continued regarding the revision process.

Ms. Chembars said that she was of the understanding that Planning Commission's portion of the zoning code review was complete. Planning Commission had reviewed it, voted on it and forwarded it to Council for their review. Council can make any changes they wish, but she did not understand why another Planning Commission review would be needed. Mr. Molinaro said that if Council does not want to send the revised ordinance back to Planning Commission, it does not have to send it back to them, but if Council wishes to keep Planning Commission in the loop, it may send the document back to Planning Commission for comments and review. He noted that if Council had drafted the document without any input from Planning Commission, then Council would be required to send it to Planning Commission for review. It is up to Council to decide to what extent it wishes to keep the Planning Commission involved in the evolving review process of the proposed zoning ordinance. Ms. Chembars said the Planning Commission would be receptive to providing input or answers to any questions they had about the document. Discussion continued regarding the process.

Mr. Montz said that a number of conditional uses needed to have supplemental regulations added. Mr. Molinaro said that a conditional use is a permitted use subject to the applicant complying with certain listed, specified conditions. Discussion continued about the requirements for establishing regulations for conditional uses and how they differed from performance standards.

Mayor Schenck said that "Group Homes" are a permitted use. There is a definition for "Group Homes" and another definition for "Group Residential Facility," but in the Use Table "Group Homes" and "Group Residential Facility" are grouped together (420-81). Mayor Schenck said there is another definition for "Group Residential Home." He said these types of issues create confusion and should not all exist in the same ordinance. Discussion continued regarding the issues to be addressed before the final document is adopted.

Mr. Lindsey asked if Council has to adopt or deny the entire document. Mr. Molinaro replied that the document was sent to Council for review and they may modify or change it as much as they want. Mr. Molinaro said that the proposed zoning ordinance has no binding legal effect until Council adopts it. Council may choose to adopt or reject any part of it, or even choose to continue with the existing zoning code entirely. Discussion continued regarding the ordinance.

Mr. Montz said that there is a lot of work that needs to be done on the proposed zoning ordinance. Planning Commission has provided Council with a great starting point. He hoped that the zoning ordinance could be a group effort between Council and the Planning Commission. Ms. Chembars said that Planning Commission has been working on the proposed ordinance for so long that the members are very familiar with it, just as Mr. Montz is familiar with the existing code that he has been working with for 28 years. Ms. Chembars suggested that Council take some time to review the proposed document to see how the charts, sections, and definitions all fit in together. She said that many of the items listed as conditional uses were taken directly from the current code and were meshed with new language. She said Council needs to read it and become more familiar with it since it is a change from the existing code. Planning Commission was presented with the format it was in and they learned how to use it. Discussion continued regarding methods of reviewing the proposed ordinance versus the existing ordinance.

Mr. Montz felt the "Cemetery" section was good. He felt "Churches/Places of Worship's" minimum lot size of one acre was too small. He provided lot sizes of the existing churches in the area and said that churches are not only for the one day a week of worship services, but often become community centers throughout the week that tend to bring a lot of traffic.

Mr. Montz said the "Communication Antennas and Towers" was recently passed by Council and probably does not need any changes. However, "Educational Institutions" lot size should be converted to acres to be consistent and should probably be larger.

Mr. Rea asked Ms. Chembars to give any example to Council of how to walk through the viewing of an item such as "Bed & Breakfast." Ms. Chembars explained the steps to review a bed & breakfast. Discussion continued regarding bed & breakfast requirements and the need for supplemental regulations for a bed & breakfast. Some additional conditions for a bed & breakfast were discussed, such as only allowing them on state roads in the borough, the proprietor must live on site, etc. Mr. Montz said that a bed & breakfast should be viewed as similar to a small hotel.

Mr. Montz said "Educational Institutions" needed additional supplemental regulations, including required locations and an increase in the size of the lot. Ms. Chembars said that Planning Commission had reduced the lot size requirements to allow for the number of cyber schools and other types of online educational institutions that are growing. Mr. Montz said that Green Tree has a large commercial district and he felt that those types of educational institutions could set up shop in that district. He felt that allowing this type of use would take away from the character of a residential district.

Mr. Montz felt that "Family Daycare, Child/Adult" should be completely removed from the residential district. He said that it would be nearly impossible to enforce the required "7:00 a.m. to 7:00 p.m." requirement. He felt that daycares are businesses and should be limited to the commercial district.

When asked, Mr. Montz said that he was trying to provide an overview of the proposed ordinance. He asked Council how they would like to proceed with the review. Mr. Molinaro said that there are discrepancies within the proposed ordinance that need to be changed. Mr. Sampogna said that although tattoo parlors are listed in the definitions, they are not listed as a permitted or conditional use in any district. Cigar/cigarettes/smoking/tobacco shops or medical marijuana distributors are neither defined nor listed anywhere in the ordinance. Mr. Montz said he had trouble locating the definition of "Shed" and found it listed as "Residential Storage Shed." Mr. Montz said that a number of the accessory uses were difficult to find as well. He felt that these were the types of issues that would be discovered as the review continued. After a discussion, Council agreed that Mr. Montz would present some items or a district for consideration at each meeting and offer some revisions or changes as needed. Council would also review the same section or district. Mr. Montz did not see the review being as much difficult for the commercial districts. Discussion continued regarding possible changes in the zoning code.

Ms. Chembars said that Planning Commission's review included consideration of a number of new uses that needed to be incorporated in the code since the existing zoning ordinance was adopted in 1947. Ms. Chembars said that Planning Commission would be available if Council needed any assistance or explanation regarding the proposed ordinance. Discussion continued regarding some items that needed additional supplemental regulations.

Mr. Montz said he would go through the Single-Family Residential District for the next meeting and provide a comparison of what changes he was suggesting compared to the code presented by the Planning Commission. Mr. Montz said if Council members had any comments that they would like to have incorporated, they should submit them to him and they could be included for discussion at these meetings. Discussion continued regarding Mr. Montz's initial concerns regarding the Single-Family Residential, i.e., bed & breakfast, churches/places of worship, educational institutions, and family daycare.

Mr. Molinaro stated that the borough must allow for uses, but it has some discretion before the borough is deemed to be exclusionary. After a discussion, Council agreed that Mr. Montz could review the proposed zoning ordinance and provide issues that might need to be revised or discussed. Council would review Mr. Montz's issues and bring up any other items they might feel need to be addressed in the same section. Mr. Montz said he would try to have Council review one district at each review meeting.

ADJOURNMENT

Motion:

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

Motion carried unanimously.

Mark Sampogna, President

W. David Montz, Manager