

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
MAY 16, 2016**

**Call to Order / Silence for Meditation / Pledge of Allegiance**

Green Tree Borough Council met on Monday, May 16, 2016 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna stated that Council had met in Executive Session prior to this meeting to discuss a potential new hire in Administration.

**ROLL CALL**

**Members Present:**

Mark Sampogna, President  
Rino Lindsey  
John Novak  
Ron Panza  
David Rea  
Arthur Tintori

**Also Present:**

W. David Montz, Borough Manager  
Peter Molinaro, Jr., Borough Solicitor  
Cheryl Bakin, Planning Commission  
Deborah Gawryla, Stenographer

**Absent:**

Mayor Edward Schenck  
David Lorenzini

**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. Montz said that he was working on presenting the easiest way for Council to be able to compare the proposed ordinance Planning Commission with the proposed changes. They would be reviewing items in the Single-Family Residential District. He distributed to Council papers outlining what had been proposed by the Planning Commission, followed by items that he was proposing to be added to the ordinance. He said that he was trying to keep the residential district a sacrosanct portion of the ordinance and maintain the quality of life for residents. He was recommending keeping the following in the Single Family Residential District: Bed & Breakfast, Cemetery, Churches/Places of Worship, Communication Antennas & Towers, and Educational Institution. Eliminated from the Single Family Residential District would be Family Daycare, Adult & Child. He said that Family Daycare could be placed in the commercial area.

He presented the following changes for Single Family Residential:

Include the section numbers to indicate where items can be found in the Supplemental Regulations.

**Home-Based Business, No Impact**

Mr. Montz said this item did not have supplemental regulations in the ordinance and would have to be added.

**Bed & Breakfast**

Bed & Breakfast was kept in the Single-Family Residential District, but a number of additional regulations were added. Mr. Montz said that the conditions outlined would have allowed a bed & breakfast anywhere in the residential district. He had reviewed a number of neighboring municipalities ordinances regarding bed & breakfasts. He recommended that the owner/operator of the bed & breakfast must live on the premises and only rooms designed as bedrooms could be used for guest lodging. Mr. Sampogna said that the owner/operator should also be required to use a bedroom. Mr. Montz said he would make that change.

Mr. Molinaro said that item (B) in the revisions should be changed. It currently read: "No alternation to the exterior of the principal or accessory structure shall be made which changes the character and appearance of the residential premises." He said the way it was worded seemed to indicate that it was a blanket prohibition of changing the exterior, which is not the intent. Mr. Montz said he would look at changing the wording.

Mr. Montz recommended that the regulations be changed from twelve (12) guests to six (6) guests, with no more than two (2) guests per room. Mr. Montz said it had been changed from 12 to 6 guests since most homes in the borough do not have more than four bedrooms.

Mr. Molinaro asked how the original floor plan referred to in item (D) would be determined. Item (D) reads, "Only rooms designed as bedrooms in the original floor plan of the structure shall be used for guest lodging." Discussion continued regarding how to change the wording to prevent extensive renovations from taking place, and what would be considered an original floor plan. Mr. Lindsey suggested removing (D) entirely since the number of bedrooms and guests has already been regulated.

Mr. Molinaro asked if the change from a residential home to a bed & breakfast might fall under additional commercial codes for use, i.e., sprinkler, fire alarm, etc. Mr. Montz said it would fall under the number of residents in the home.

Mr. Molinaro suggested that the word "overnight" be inserted in item (F) to read: "Breakfast and/or afternoon tea shall be the only meals provided, and shall be provided on to **overnight** guests of the bed and breakfast."

Mr. Sampogna said that item (I) should have "maximum" changed to "minimum" to read: "The **minimum** rear yard shall be forty feet (40') and shall not accommodate any structure or parking." Mr. Lindsey asked about using the rear space of the bed & breakfast for parking. Mr. Montz said that additional items about buffering would need to be added, but that a minimum of 40 feet of greenspace would have to be provided beyond the parking area. Discussion continued regarding the details of the buffering.

Mr. Lindsey said that some of the homes along arterial streets would be conducive to a bed & breakfast, but have access to a driveway/alley behind the homes and not directly along

the arterial street. Mr. Montz replied that the access to the home would have to be on an arterial street. Carnahan and McMonagle are county roads and would not be applicable roads for a bed & breakfast. Mr. Panza felt that requiring the entrance to be off of a state road when the home is on a state road could be restrictive. Mr. Sampogna said that an applicant could apply for a variance in such a case.

Mr. Molinaro asked if the permitted double-sided signage for a bed & breakfast could be illuminated. After a discussion, Council decided that the sign should be permitted to be illuminated so that guests arriving after dark would be able to see the sign and the location of the bed & breakfast, but with consideration to residential neighbors. Mr. Montz said he would include some wording regarding the lighting.

Mr. Sampogna said that the word "maximum" should be changed to "minimum" in item (L) to read: "There shall be a **minimum** of 15% of lot coverage for structures and parking surfaces that is impervious." Mr. Montz said requirements for impervious/pervious would help prevent runoff to neighboring properties. Review of the Bed & Breakfast regulations continued.

Mr. Panza asked how local room rentals would be covered in the ordinance by companies like AirB&B. Mr. Molinaro felt it would become an enforcement issue. Mr. Montz said it would be difficult to enforce. Mrs. Bakin said that the ordinance allows up to five unrelated persons to live in one home, so a room rental like AirBnB offers would be permitted.

#### **Church / Place of Worship**

Mr. Montz said the minimum lot required was changed from one (1) acre to 2.5 acres.

Mr. Montz said that he would work with the Solicitor for wording regarding allowing a dwelling such as a manse or parsonage on the property. He did not feel that many of these types of facilities are still being built, so it should not be a big issue since most ministers prefer to live in their own homes. However, he felt that the size of the structure should be regulated. He continued to review the changes for church/place of worship.

Mr. Montz said that the parking regulations had been removed since they were covered under a different ordinance. Mr. Sampogna suggested that a reference to the parking regulations section be included.

Mr. Montz recommended that "Primary or Secondary School" be eliminated from accessory uses for churches. He said most churches would not be adding a school to their facilities because of the high cost of operation. Mr. Molinaro said that the existing church with a primary school in Green Tree would become a non-conforming use. Daycare centers would still be permitted in churches.

#### **Group Home**

Mr. Rea asked if this was something new to be added. Mr. Montz replied that Group Homes were never specifically outlined, but are permitted in the residential district. They are limited to five (5) unrelated individuals who can reside in one dwelling. The courts have ruled that a municipality cannot prohibit group homes. Mr. Montz commented that there are currently several group homes in the borough. Mr. Molinaro said a group home is typically a home for individuals who require some added assistance. Residents are possibly mentally or

physically challenged and counselors supervise the group living. Those living in a group home are generally those who are capable of being somewhat independent, but still require some minimal assistance to function.

When asked, Mr. Montz said that the business that runs a group home cannot have its offices in the home. Mr. Rea suggested that it be outlined more clearly in the definition of group home. Mr. Tintori noted that most of the group homes are non-profit and are regulated by the state.

#### **Education Institution**

Mr. Montz said that he changed the lot size of an educational institution to be the same as a church/place of worship at 2.5 acres with ingress/egress to be from an arterial street. This would keep educational institutions on the main streets in the borough and out of the residential streets.

Mr. Rea asked why an educational institution would be required to be on an arterial street, but not a church/place of worship. According to the proposed ordinance, and given the right lot size, a church could be built on any residential street in the borough. Mr. Molinaro said that churches have, historically, been much more inclusive within residential areas than schools. Discussion continued regarding church and school locations in the borough. Mr. Lindsey and Mr. Rea felt that churches should also be limited to having their ingress/egress on an arterial street. Mr. Montz continued to review some of the changes to the educational institution section.

#### **Home-Based Business, No Impact**

Mr. Montz said that he had found all of the requirements of "Home-Based Business, No Impact" under the definition in the revised ordinance. He recommended that the first paragraph in the definition be used for the definition and the sub-menu items would be used as supplemental regulations for a home-based business.

#### **Minor Garage and Residential Storage Shed**

Mr. Montz noted that both would remain in Single-Family Residential, but the terminology was changed to be consistent with the terminology in the definitions. The width of cornices was changed to no more than 12 inches.

#### **Swimming Pools**

Mr. Montz said that some of the terminology had been cleaned up, but it remained primarily the same. He commented that pools would be a problem in the Rook district because of the smaller lots. Mr. Molinaro said that item (C) that reads, "The pool structure shall, for purposes of this section, include the pool itself, all pool decks and all sidewalk areas adjacent to the pool," sounded like a definition of a swimming pool. He felt a definition such as this should be included in the definition section. Upon checking, Council found that there already was a definition for "swimming pool" in the ordinance. Mr. Molinaro said that the definition should be changed to what was indicated in item (C), which was a more encompassing definition that included the adjacent walkways, decks, and sidewalks.

#### **Library**

A definition for Library was added.

Mr. Montz said that a definition of arterial street to indicate a state road was included throughout. Definitions of private and public streets were added with the word "public" used throughout to avoid confusion. Discussion continued regarding the proposed zoning ordinance.

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Mr. Montz asked for Council's feedback regarding whether they wished to have a redline version of the ordinance or a comparative version of the two ordinances. Both versions had been provided to Council for their review. Mr. Lindsey said he preferred strikethroughs, but he said Mr. Montz should proceed with whichever version he felt was best.

Mr. Montz said that changes would not be made to the master version until the entire document was reviewed.

**ADJOURNMENT**

**Motion:**

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

**Motion carried unanimously.**

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Mark Sampogna, President

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W. David Montz, Manager

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