

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
JUNE 26, 2017**

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

Green Tree Borough Council met on Monday, June 26, 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  
David Lorenzini  
John Novak  
Ron Panza  
David Rea  
Arthur Tintori (left 8:20 p.m.)

**Also Present:**

W. David Montz, Borough Manager  
Peter Molinaro, Jr., Borough Solicitor  
Colin Cleary, Chief of Police  
Deborah Gawryla, Stenographer

**Absent:**

Rino Lindsey

**HEARING OF THE CITIZENS**

There was no one present who wished to be heard.

**REPORT OF GREEN TREE BOROUGH COUNCIL COMMITTEES**

**A. PLANNING & ZONING - Mr. Lorenzini**

**1. Review - Proposed Comprehensive Rezoning Ordinance as submitted by the Green Tree Planning Commission in March 2016 - Definitions/Signage Sections.**

Mr. Lorenzini said he had been unable to review and compare the proposed changes to the Definitions section to the changes presented by the Planning Commission in their March 2016 document. He said he had done that with the other sections previously reviewed by Council. He said would like the option to recommend additional adjustments to this section if he finds additional items upon further review.

Mr. Montz said that during his review he made an attempt to review the document to see if each item listed in the Definitions appeared within the ordinance itself. Then he reviewed the definition to make certain that it made sense. If a definition did not appear in the Definitions section, but needed to be added to the ordinance, Webster's Dictionary was consulted for the definition of the word.

The following definitions were reviewed with the following changes:

**DEFINITIONS**

**Abandonment of a non-conforming use, building or structure**

This definition was deleted since there was a definition of a non-conforming structure.

**ADA - Americans with Disabilities Act of 1990, as amended**

Although the term "ADA" could not be found in the body of the ordinance, it was left in the ordinance in the event that something might be added to the ordinance at a later time that would reference ADA.

**Agricultural Activities**

This should be deleted from the ordinance since Agricultural Operation seems to cover this definition.

**Airport**

The words "...or private..." was added to the definition to accompany "... public airports." This only appears in the Airport Overlay District section of the ordinance. Mr. Lorenzini asked if the definition of "Airport, Private" should be deleted. Mr. Montz said that this definition should remain in the ordinance to better define a private airport.

**Amphitheater**

Mr. Montz did not see the need for this definition since it did not appear in the ordinance unless Council saw the potential for one in Green Tree Park. Discussion continued, with Council deciding that more of a stage, rather than an amphitheater, would be considered for Green Tree Park. However, Council decided to leave this definition in the ordinance. Mr. Montz asked if Amphitheater should be added as an ancillary use under the Parks District. Mr. Montz said the definition would need to be revised somewhat if it was to be left in and he would review it further and leave it in.

**Animal Hospital**

Animal Hospital should be used instead of Veterinary Office, which would be deleted.

**Abandoned Vehicle**

Mr. Molinaro said that Pennsylvania is not longer issuing stickers for licenses plates on registered vehicles. After a discussion, Council agreed that the phrase, "...and/or a current safety inspection sticker," should be deleted from this definition.

**Bed and Breakfast Inn**

This item should be changed to read, "A residential use consisting of a single family dwelling that contains not more than **three (3)** guest bedrooms used for providing overnight accommodations to the public not to exceed seven (7) consecutive nights." Mr. Lorenzini asked if it should be noted that a bed and breakfast be owner occupied. Mr. Montz replied that requirement was listed in the conditions.

**Boarding House (includes Rooming House)**

After a discussion, Council decided that this item should be deleted. Mr. Sampogna said he would like to see the Airbnb issue addressed soon.

**Buffer**

Mr. Montz said that additional work needed to be done on the Buffer definition. He said the definition should address the tree and shrubbery requirement if there were no trees or shrubs on a property. However, the definition should include some type of required vegetation or landscaping. Mr. Montz said that it should address the possibility of natural, undisturbed vegetation as well. Mayor Schenck said there are number of different references to the growth in the buffer, i.e., wood, brush, landscaped area, trees, shrubbery, bushes, etc. He felt that these interchangeable terms should be consistent to prevent less confusion and less cause for argument.

Mr. Molinaro said that the ordinance refers to "the Code" in some places and the "Zoning Ordinance" in other places. Mr. Montz said since it is titled as a Zoning Ordinance, it should consistently refer to "Zoning Ordinance" and not "Code" throughout. He said it will be changed throughout the ordinance to be consistent.

#### **Building Line**

After a discussion, Council agreed that the sentence, "Walks, terraces, uncovered steps, or stoops, porches and decks attached to a structure are exempt," should be deleted. Mr. Montz said that the body of the ordinance that discusses Building Line needs to specify a maximum projection and must be open-air. The current ordinance does not specify what size a porch can be, which would allow larger porches than desired in a front yard. Mr. Montz said he would review the issue and come back to Council with a porch projection size.

#### **Business Services**

Mr. Molinaro said that the Business Services definition is restricted to services being provided to another business. The ability to provide Business Services to an individual needs to be added. Mr. Montz said he would review this definition and present Council with a revised version.

#### **Centerline**

This definition should be deleted.

#### **Clear-cutting**

Mr. Montz said that this item cannot be found in the proposed ordinance. Currently the borough does not regulate clear-cutting. After a discussion, Council decided that this definition should be deleted.

#### **Clinic**

Add the word "human" to the definition so it reads, "An establishment that provides **human** patient care services, included but not limited to, medical, dental psychological, and/or social services on an outpatient basis."

#### **Cluster Homes**

This definition does not appear in the body of the proposed ordinance. Mr. Sampogna asked if this term would be the same as "Patio Home." Mr. Montz said it would be the same as "Patio Home," "Carriage Home," etc. Council decided that this definition should be deleted from the ordinance.

#### **Conditional Use**

Mr. Molinaro said that the MPC defines Conditional Use. He said that the MPC's definition should be compared to the definition in the proposed ordinance. There should not be any reason to differ from the MPC's definition. Mr. Montz said he would review the definition in the MPC and make sure that the definition in the proposed ordinance is the same. Mr. Sampogna said that word "Chapter" in this definition should also be revised.

#### **Conversion**

This should be deleted from the proposed ordinance.

**Correctional Facility**

This should be deleted from the proposed ordinance.

**County Comprehensive Plan**

This definition should be deleted from the ordinance.

**Covenant**

This definition should be deleted from the ordinance.

**Coverage**

This definition should be deleted from the ordinance.

**Day Care Center, Adult**

This phrase "...at any one time," should be removed from this definition. Mr. Montz said that he and the Solicitor would review this definition and the Day Care Center, Child.

**Day Care Center, Child**

The correct name for the licensing department for day care should be checked to confirm whether "Pennsylvania Department of Welfare" is actually the correct department for both Child and Adult Day Cares. Mayor Schenck said that he believed that the name has been changed.

**Determination**

This entire definition should be deleted from the ordinance.

**Developable Land**

This definition should be deleted.

**Drive-Through**

All references throughout the ordinance should be corrected to read "Drive-Through" and not "Drive-Thru."

**Drive-Through Only Facility**

This definition should be deleted from the ordinance.

**Dwelling**

Mr. Montz said that the ordinance lists a number of types of dwellings that it "does not include." He felt that the definition should instead indicate what types of dwellings it does include. After a discussion, Council agreed and Mr. Montz and the Solicitor should work on improving this definition. Mr. Molinaro said that the entire definition for Dwelling needed more work.

Based upon previous discussions, Mr. Montz asked if Council wanted to include definitions for Carriage Homes and/or Patio Homes. Mr. Molinaro said that the definition (2) under Dwelling seemed to define a Carriage or Patio Home and if it is left in the definition it would indicate that Carriage Homes and Patio Homes are permitted. Council felt it should be left in. Discussion continued regarding the verbiage for this definition and Mr. Montz and Mr. Molinaro agreed that they would work on it.

Mr. Molinaro asked if Council was considering being progressive in the development of this revise zoning ordinance by anticipating the needs of the residents as they get older

by providing a different form of housing, or if they planned to wait until the borough is confronted by a developer who wants to build this type of a development. He said that Green Tree has not been receptive to housing other than traditional, single-family homes. Mr. Montz said he would review the possibility of adding Carriage Homes and Patio Homes in the ordinance and get back to Council. Council agreed that Carriage Homes and Patio Homes should be added. Mr. Montz said that he and the Solicitor would work on the entire Dwelling definition.

**Condominium**

Mr. Molinaro said that Condominium is only a form of ownership. He reminded Council not to get confused between the uses and ownership. He said that item (3) under the Dwelling definition could be considered a Carriage Home, Duplex, Garden Apartment, or a Condominium.

Condominium should be deleted from the definitions.

**Conversion Apartment**

This definition should be deleted from the ordinance.

Mr. Tintori left the meeting at this time (8:20 p.m.).

**Flea Market**

Mr. Montz did not feel that Flea Market needed to be in the definitions. Mr. Lorenzini said that Flea Market is currently permitted in the Light Industrial District. After a discussion, Council decided to leave Flea Market in the ordinance, but remove the references to "garage sales" and "yard sales" in this definition since they are mentioned elsewhere in the ordinance.

**Floor Area Ratio (FAR)**

This item should be deleted from the ordinance.

**Forest Management Operations**

This item should be deleted from the ordinance.

**Forestry**

This item should be deleted from the ordinance.

**Garage**

Mr. Lorenzini asked about the definition of a Minor Garage, stating that many newer homes today are building garages that house three vehicles. Mr. Montz questioned whether the definition should state how many "power-driven vehicles" should be permitted in the garage. After a discussion, Council decided that this definition should be reviewed again, taking into consideration the size of the garage and not the number of vehicles.

**Garage Sale/Yard Sale/Estate Sale**

Although this was discussed, there were no changes made to this definition.

**Group Home**

Mr. Montz said he had added a different definition than what had been in the ordinance, but he wanted to discuss this definition with the Borough Solicitor to make certain that

the definition has the current number of people permitted in a Group Home as indicated by law.

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

Mr. Montz said that the revised definition was taken directly from the MPC. The part of the definition that was deleted should be moved to the conditions in the Supplemental Regulations.

#### **Library**

This definition had not appeared in the previous draft of the ordinance and was added to read, "A public facility containing books, periodicals, and other material for reading, viewing, listening, study or reference as a room, set of rooms, or building where books may be read or borrowed."

#### **Lot Depth**

Mr. Lorenzini asked if Lot Depth should be added under the definition of Lot. Mr. Molinaro said that the descriptions under Lot indicated the three types of lots that could exist and Lot Depth should be its own definition. There were no changes made to this definition or its location.

#### **Monopole**

After a discussion, Council decided to spell out the acronym "WCF" and correct the misspelling in the definition, so the correct definition would read, "A **wireless communication facility** or site which consists of a single pole structure, designed and erected on the ground or on top of a structure to **support** communications antennas and connecting appurtenances."

#### **Nonconforming Structure**

Mr. Sampogna said the definition for Nonconforming Structure had come from the MPC, but it is very difficult to read and understand. After further review, Mr. Molinaro agreed and said that he and Mr. Montz would review this definition as well as the definition for Nonconforming Lot to see if it could be improved.

Mr. Panza asked why there were definitions for both Nonconforming Structure and Nonconforming Use. Mr. Molinaro said that these definitions covered different concepts. Mr. Montz said that a Nonconforming Structure is for a building built too close to the property line because the zoning had been changed after the building had been built. A Nonconforming Use pertains to the use of the structure that may have changed after the business or use was established. Mr. Lorenzini asked the Nonconforming Structure, Nonconforming Use, and Nonconforming Lot's definitions all be reviewed.

#### **Permit**

This definition should be changed to read, "A document issued by the **building official or zoning officer** authorizing an applicant to undertake certain activities."

#### **Public Hearing**

The Zoning Hearing Board should be added to this definition.

**Restaurant, Drive-Through**

This definition should be listed as "Restaurant, Drive-**Through**" and not "Restaurant, Drive-Thru." It should be corrected in both the title and in the text of the definition.

**Sexually-Oriented/Adult Oriented Establishment/Adult Entertainment Uses**

Mr. Montz said that several placed in this definition the phrase "...as defined in this section," is used and he questioned why that phrase was used repeatedly.

**(11) Seminudity**

Mr. Montz said that additional work was needed on this section.

**Street**

Mr. Montz said that under section (1) he had added the phrase, "**...and which is under the control and requirement of the Pennsylvania Department of Transportation.**"

The word "**public**" had been added under section (3) of the Street definition. Mr. Sampogna asked if the definition of Paper Street should be added to this definition. Mr. Molinaro said a paper street is nothing more than a street that is laid out in a recorded subdivision plan, but it has never been opened or used as a street. If it is not being used it is nothing more than a paper street. If it is being used somehow it would be a private road. Mr. Molinaro did not feel that a definition of Paper Street was needed. Discussion took place regarding the details of the definition of public and private streets, and the need for emergency vehicles to be able to travel on private roads. It was decided that additional revisions were needed for some of the subsections in this definition.

**Tattoo Parlor**

This definition was added to the ordinance. After a discussion, Mr. Sampogna suggested that Tattoo Parlor should be added to the Light Industrial and Service Commercial Districts. Mr. Montz said he would take a closer look at this definition and what would be added to the ordinance and make a formal recommendation later.

**Transit Shelter**

A discussion took place regarding the similarities and differences between Transit Shelter and Canopy. Mr. Sampogna suggested that the word "**freestanding**" should be added to the Transit Shelter definition.

**SIGNAGE REGULATIONS****Freestanding Sign**

Mr. Montz said the phrase, "**...that is permanently attached to the ground...**" should be added to this definition.

**Sandwich Board Sign**

Mr. Montz said that sandwich board signs are very hard to enforce. Sandwich Board Signs should be placed outside a business at the start of the business day and taken back in at the end of the day. They should not be permitted to be located on the sidewalk to obstruct the flow of pedestrians. He asked if Council wanted to allow these signs. Discussion took place regarding the various situations and types of businesses that would utilize a sandwich board sign. Council agreed to leave in Sandwich Board Sign the way it currently appeared.

**Sign Structure**

Mr. Molinaro said he did not understand the definition that read, "Any structure which supports, *has supported*, or is capable of supporting a sign, including decorative cover." After a discussion, Mr. Montz and Mr. Molinaro said they would review this further and determine where it is noted in the ordinance.

Mr. Molinaro said the borough regulates the location of a sign, the dimensions of a sign, and the number of signs, but should not regulate what the substantive message of a sign is. Mr. Montz said that the borough needs to regulate businesses that are moving into the borough and a change in a sign for a new business requires a new permit for the sign even if the same sign structure is being used. Mr. Montz said that the permits for signs are correlated with occupancy permits.

Mr. Novak asked how this would impact the use of changeable LED signs. Mr. Montz replied that the borough does not permit LED signs. Council agreed that a new permit should be issued each time a sign is changed.

Mr. Sampogna said he would like to allow churches and schools to be permitted to have changeable LED signs. Mr. Montz said that he spoke with neighboring communities who have allowed such signs for churches and schools. They informed him that it was one of the worst things they felt they had ever done. Discussion continued regarding LED signs.

**General Regulations**

Mr. Lorenzini said the following items in the Signage Regulations refer to incorrect sections as follows:

Under (A)(2): The reference to Section 420-118(A)(3) is incorrect. In the current draft of the ordinance, the reference would be to Section 420-120(A)(5).

Under (F)(3): The reference to Article X is incorrect. In the current draft of the ordinance, the reference would be to Section 421-174.

**Exempt Signs**

Mr. Molinaro asked if Council wanted to keep the regulation in (A)(3) limiting the size of a flag to 50 square feet. Mr. Montz said such a regulation would be hard to enforce. Mr. Molinaro said that this is the time to consider removing such regulations that would not be enforced. Discussion continued regarding this regulation, but no changes were recommended.

**Billboards****(B) (1) Regulations**

This item should be changed to read, "A sign structure shall contain no more than one double-face billboard. The interior angle between the two faces shall not exceed 20 degrees."

**(B) (7) Regulations**

This item should be changed to read, "No billboard shall be located within 50 feet of the nearest edge of any street right-of-way." Discussion continued regarding signage.

**(B) (9) Regulations**

This item should be changed to read, "The sign face of a billboard sign shall be perpendicular to the street right-of-way on which it is installed, except that double-faced billboards may have one face up to a 20 degree angle from perpendicular."

**Temporary Signs**

The word "Temporary" should be added to the beginning of the sentence in Item (A)(2).

Add the following sentence under item (A)(8), "Balloons or air filled signs are permitted under this section, provided they do not exceed the maximum height of a freestanding sign in the zoning district and must be securely fastened to the ground."

A new item (A)(9) should be added to read, "One (1) sandwich board sign shall be permitted for businesses located in the Neighborhood Commercial District subject to the following:

- (a) The maximum sign area shall be eight (8) square feet on each face.
- (b) The sign permits a minimum of three (3) feet clearance for pedestrian passage."

After a discussion, Council decided to hold the next review of the proposed zoning ordinance on Monday, July 24 at 7:30 p.m.

**ADJOURNMENT**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Rea, 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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