

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

Call to Order / Silence for Meditation / Pledge of Allegiance

Green Tree Borough Council met on Monday, July 25, 2016 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 of Council
Rino Lindsey
David Lorenzini
John Novak
Ron Panza

Also Present:

W. David Montz, Borough Manager
Cheryl Bakin, Green Tree Planning Commission
Ed O'Donnell, Green Tree Planning Commission
Deborah N. Gawryla, Stenographer

Absent:

David Rea
Arthur Tintori

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 Rezoning Ordinance as submitted by the Green Tree Planning Commission in March 2016.

Mr. Montz placed the proposed zoning map on display and distributed proposed changes to the districts to be discussed at tonight's meeting. Mr. Lorenzini said tonight's review would cover the Multi-Family District, known as the Rook area of the borough, the Rural Residential District, known as the lower Glencoe area that also includes a property at the end of Parkedge, and the Neighborhood Commercial District, which primarily includes what is currently called the Streetscape District along Greentree Road. Mr. Lorenzini said that the review of these districts' uses might include review of some of the Supplemental Regulations that will need to be updated in conjunction with the district changes.

Council agreed to the following changes, or made the following comments, regarding the proposed zoning ordinance. (*Changes to the proposed zoning ordinance are italicized.*)

Section 420-48 - Agricultural Operations

(D) Solid and liquid wastes shall be disposed of frequently *to an approved disposal facility* in a manner to avoid creating insect or rodent problems, or a public nuisance. *The Borough must be provided with a written disposal plan.* No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.

(G) *One accessory structure* may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. *The structure shall not exceed a total gross floor area of 1,000 square feet and twenty (20) feet in height.*

- (H) *Surface* under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, *insect* breeding, or other potential nuisances.
- (I) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, or similar enclosure may be closer than *fifty (50)* feet to an adjacent property line.
- (J) Any agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the Allegheny County Conservation District, if said plan is applicable. *[Edited down from original]*

Section 420-81 - Group Residential Facility

The phrase "...and Group Home" was deleted from this title and this section. Mr. Montz felt that term "Group Home" only needed to have a definition since it is a permitted use. Council agreed with Mr. Montz's notation that this section still needed additional work since the Planning Commission had not covered Group Residential Facilities' regulations in the ordinance. The definition for Group Home was changed to read:

Group Home

A dwelling unit where room and board is provided to not more than eight permanent residents who are not protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et seq., as now or hereafter amended), including any adult or juvenile assigned by order of Juvenile or Criminal Court, battered persons and their children, and persons receiving community reentry services following court assignment, who are in need of supervision and specialized services, and no more than two supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any nonprofit social services corporation licensed or certified by the Pennsylvania Department of Public Welfare, and the facility shall meet all minimum requirements of the sponsoring agency.

Section 420-22 - R-2 - Multi-Family Residential District

(B) Principal Uses revisions:

All listed "Dwellings" should be rearranged to be in the correct alphabetical order.

The following uses should be removed from this district: *Essential Communications Antenna and/or Tower; Garage, Community; Family Day Care Home, Adult; and Family Day Care Home, Child.*

The section number for Essential Public Service Installations should be added: (420-33.)

Accessory Uses listed under Item (C) should be deleted and replaced with the following:

- *Minor Garage (420-91)*
- *Residential Storage Shed (420-42)*
- *Residential Driveway, Parking Pad (420-45)*
- *Swimming Pool/Hot Tub, Residential (420-108)*

(D) Dimensional Requirement - Delete the phrase *"except for a church, library or school, which may be 75 feet."*

Section 420-23 - R-R - Rural Residential District

(B) Principal Uses:

Change the names "Essential Communications Antenna and/or Tower" and "Essential Public Service Installations" to "*Communications Antenna (420-201)*" and "*Communications Tower (420-201)*" and move both of these uses to the Conditional Use category on the chart.

The section numbers for Group Home and Home Based Business - No Impact should be added.

Delete *Wind Energy Equipment, Small Wind Facility (420-133)* and *Transit Shelter* from the chart entirely. These uses will not be permitted in this district.

(C) Accessory Uses should be changed to:

- *Minor Garage (420-91)*
- *Residential Storage Shed (420-42)*
- *Residential Driveway, Parking Pads (420-45)*
- *Swimming Pool/Hot Tub, Residential (420-108)*

Section 420-25 - NC - Neighborhood Commercial

Move Bed & Breakfast to the Conditional Use column.

Delete the following from this district: *Church/Place of Worship/Religious Institution; Clinic; Community Facility; Day Care Center, Adult; Day Care Center, Child; Essential Communications Antenna and/or Tower; Group Home; Private Club or Lodge; Theater; Assisted Living Facility; Wind Energy Equipment - Small Wind Facility.*

Add the various section numbers for reference throughout this chart.

Put the various "Dwellings" in correct alphabetical order.

Make the size of "Retail Stores" under Permitted Uses to "*≤5,000 square feet.*" Limit the size of a Restaurant, Full Service, to "*≤5,000 square feet.*"

Limit the size of a permitted use Food & Grocery Store in this district to "*≤5000 square feet.*"

Add "*Restaurant, Fast Food ≤3,000 square feet (420-103)*" under Conditional Uses in this district.

After discussions, Council decided to leave the following uses in the Neighborhood Commercial District for further review and for additional information and decide later if any changes need to be made:

- Equipment Rental & Repair and Repair Shop, Small/Non-Vehicular - Mr. Sampogna questioned whether these were the same and, if so, if both were needed in this district. Mr. Montz said he would review this further. Mr. Lindsey felt that "Equipment Rental & Repair" would apply to the services that Ace Hardware currently provides and should be permitted, possibly as an ancillary use to the hardware store to avoid making it a non-conforming use for the existing business. Mr. Sampogna felt that "Repair Shop, Small/Non-Vehicular" would apply to shops that might do small electronic repairs of smartphones, iPads, and computers, which would be different from "Equipment Rental &

Repair." Mr. Montz said these items would require further review and possible additional regulations.

- Parking Lot - Mr. Montz said he would look at this item further to see if it should be included in this district, and whether it should public or private or both.

Section 420-54 - Bar / Tavern / Drinking Establishment

- (A) Change the hours to read: "The hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m. of the next day, prevailing time."
- (B)(1) Change "...the height of such building may not exceed 30 feet measured from the lowest exterior ground elevation along the perimeter of the building."
- (B)(2) Change the total floor area, exclusive of any basement used solely for storage, from 10,000 square feet to 5,000 square feet.
- (D)(6) Change this item to read: "The hours of operation of the designated outside area must be limited to between ~~5:30~~ 11:00 a.m. and ~~Midnight~~ 2:00 a.m. of the next day, prevailing time, *except in the Neighborhood Commercial which shall be limited to between the hours of 11:00 a.m. and 10:00 p.m.*"

Section 420-58 - Catering

Change the title of this section from "Catering" to "*Catering Business.*"

- (A) Change the minimum lot size to "*one acre.*"

Delete item (B) entirely.

- (D) Change on-site pick up to the hours of "*6:00 AM to 7:00 PM.*"

Remove Catering Business from the Neighborhood Commercial District and add it to the Light Industrial District.

Section 420-59 - Cemetery.

Delete item (D) entirely.

Section 420-63 - Convenience Store.

Item (A) should be changed to "*The display and sale of wares shall be restricted to the inside of the structure.*"

Delete (E) entirely that would have set the hours of operation.

Add a new item at the end of this section to read, "*The maximum total floor area shall not exceed 5,000 square feet.*"

Section 420-73 - Farmers Market

- (A) *Any temporary signage erected during hours of operation shall be removed daily.*

Delete items (D) and (F) entirely.

Section 420-75 - Funeral Home

Add an additional item, item (E), to read, "*No cremation operation is permissible.*"

Discussion continued regarding whether food or catering should be allowed at a funeral home. Mr. Montz reviewed the ordinance's definition of Funeral Home, which reads,

"A building or part thereof used exclusively for human burial services, but shall not include facilities for cremation. Such building may contain space and facilities for:

- (1) Embalming and the performance of other services used in the preparation of the dead for burial,
- (2) The performances of autopsies and other surgical procedures,
- (3) The storage of caskets, funeral urns, and other related funeral supplies, and
- (4) The storage of funeral vehicles,
- (5) The viewing of and services for the deceased."

Mr. Montz said this definition clearly indicates that there could not be food serving or preparation. Mrs. Bakin said most funeral flower services are now done through online services. Mr. Lindsey said that the definition made it clear that retail services would not be permitted on-site at a funeral home.

Section 420-82 - Home Occupation

(A) *The owner must live on the premises.*

(B) This use is clearly incidental and secondary to the use of the *single-family detached structure*.

(C) The exterior appearance of the *structure* is constructed and maintained as a residential use.

(D) Delete the phrase "...or an integral attached garage," at the end of this item.

(E) There shall be no more than three (3) *additional persons* employed on the premises *between the hours of 7:00 a.m. and 6:00 p.m.*"

(H) *Deliveries shall be limited to between the hours of 9:00 a.m. and 6:00 p.m. No delivery vehicle may exceed 26,000 gross vehicle weight.*

(I) Permitted home occupations:

1. *Instructional services, provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more than two (2) students any one time.*

2. *Professional, technical, or business pursuits that involve only office-related functions and practices.*

3. *Light handicrafts, sewing, and photography.*

Item (I)(4) should be deleted entirely.

(J) *There shall be a maximum of 15% of lot coverage for structures and parking surfaces that is impervious. An additional 5% lot coverage can be utilized for parking provided that the permeable surface is in accordance with the Pennsylvania Department of Environmental Protection (PADEP) BMP Manual.*

(K) No outside storage or display shall be permitted.

(L) Double-sided signage is permissible, but no signage shall exceed four (4) square feet.

(M) An ingress/egress must be provided from an arterial street.

Council asked Mr. Montz to review the number of chairs that would be permitted in a beauty parlor or barbershop and consider reducing the number from two to one. Mr. Montz explained some of the differences between a Home Occupation and a Home-Based Business, No Impact. Mayor Schenck suggested that a number of the items for Home Occupation could also be applied to Home-Based Business, No Impact. Mr. Montz said that the Home-Based Business, No Impact, has not yet been reviewed, but he would keep that in mind when doing so. Council said that the proposed double-sided signage should be unlit.

Section 420-103 - Restaurant

(A) The hours of operation, for indoor facilities, shall be limited to between 5:30 a.m. and 2:00 a.m. of the next day, prevailing time. *In all districts except the Neighborhood Commercial District, the hours of operation shall be limited to between 5:30 a.m. and 1:00 p.m.*

(B) Buildings shall *not exceed* an overall height of 30 feet and are limited to one story.

Delete sub-items (B)(1) and (B)(2) entirely.

Discussion continued regarding items (C) and (D)(4) regarding outdoor cooking and the hours of use for an outdoor dining area. No decisions were made on these two items. Mr. Montz said he would get additional information on these issues and bring it back to Council for future consideration.

Item (D)(10) should be deleted entirely.

Discussion continued regarding the various restaurant requirements. Council asked Mr. Montz to review the definition of a Restaurant, Fast Food for drive-thrus with consideration for drive-thrus to be ancillary to a fast-food restaurant.

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