

**BOROUGH OF GREEN TREE
COUNCIL MEETING
AUGUST 20, 2018**

Call to Order / Silence for Meditation / Pledge of Allegiance

Green Tree Borough Council met on Monday, August 20, 2018 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna reported that Council had met in Executive Session prior to this meeting to discuss personnel matters relating to the police department.

ROLL CALL

Members Present:

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

Also Present:

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

Absent:

Ron Panza

HEARING OF THE CITIZENS

Irving Firman, Tucker Arensburg Attorneys

Mit Patel, Crown Plaza Hotel

Mr. Firman from Tucker Arensburg said he was representing Mr. Mit Patel, owner of the Crowne Plaza Hotel. He stated that Council was scheduled to discuss details of the proposed zoning ordinance. Mr. Patel's hotel is in a district in the borough where hotels, assisted living facilities, independent living facilities, retirement homes, personal care facilities, etc., are permitted. They are permitted in the current zoning ordinance as well as in the proposed zoning ordinance. The current ordinance requires 1.5 parking spaces per hotel unit, which is more than what is needed for most hotels today. He suggested that the required number of parking spaces be reduced to 1.1 spaces per hotel unit, as hotels do not generate as much vehicular traffic as they used to create.

Mr. Firman recommended that the parking requirements for the "elder uses" previously mentioned, that are permitted in this zoning district, should be reduced to 0.5 parking stalls per living unit. He asked Council to consider these changes to the parking requirements.

Mr. Firman said that Mr. Patel is hoping to be able to subdivide the property where the Crowne Plaza is located. The proposed back lot would have approximately ten acres where Mr. Patel would like to provide an elder care facility by converting the hotel. Mr. Firman asked if an ordinance revising these parking requirements could be created and passed by Council at this time, prior to the adoption of the entire revised zoning ordinance. Mr. Patel is under a time constraint with his financing for this project and needs to begin the subdivision process soon. Mr. Firman hoped these changes could be completed by November. He said that every month the project is delayed is detrimental to Mr. Patel.

Mr. Firman said that he and Mr. Patel would remain in the audience for the meeting if Council had any questions about these items.

Cheryl Bakin, Green Tree Planning Commission Member, 884 Greentree Road

Mrs. Bakin said she was one of the members of the Planning Commission who had labored long and hard over three years in the creation of the revised zoning ordinance. Council has been reviewing the proposed zoning ordinance for another 2-1/2 years. Solar panels were discussed at the last Council meeting and she had done some research on this topic that might be valuable.

At the last Council meeting, Mrs. Bakin said that Mr. Flowers had spoken about a number of people who had applied for variances from the Zoning Hearing Board for the installation of solar panels. The current zoning ordinance only has about three paragraphs regarding solar panels and had been written in 1987. The current ordinance states that solar panels can only be installed on the rear portion of a roof, but these panels need to be installed in whatever location provides the maximum amount of sunshine.

Mrs. Bakin said that Article VII of the proposed zoning ordinance is entirely about solar installations. It is a separate article and could easily be pulled out of the proposed zoning ordinance and adopted well in advance of the passage of the entire revised zoning ordinance, which would help those wishing to install solar panels while the federal tax credit is still available. It could be an amendment to the current zoning code. Mrs. Bakin said that after reviewing the minutes from previous zoning ordinances discussions, she felt that the solar ordinance has remained intact without changes and could easily be pulled out to be adopted. People are anxious to install solar panels since the limited time federal tax credit gives homeowners a 30% tax credit of the total cost. In order to be eligible for the federal tax credit, the solar panels must be installed, or at least under contract and the project started, in order to get the full tax credit this year. In 2019 the tax credit begins to decrease through 2022. She urged Council to adopt the revised solar ordinance quickly so that residents can take advantage of the tax credit.

MAYOR'S REPORT - Mayor Schenck

- A. Mayor Schenck said that Mr. Lindsey would be reporting on the interviewing of full-time police officer candidates.
- B. Mayor Schenck said that the major fire at First Commonwealth Bank in Green Tree two weeks ago resulted in a prompt response by the Green Tree Volunteer Fire Company as well as two other companies and the Green Tree Police Department. Despite their best efforts the fire spread very quickly and it appears that the entire building will have to be rebuilt.
- C. Mayor Schenck said that the news has been carrying stories about how plastic straws are being a large waste pollutant, but it has been found that disposable contact lenses are also a big waste problem as well.

REPORT OF GREEN TREE BOROUGH COUNCIL COMMITTEES

A. PUBLIC SAFETY - Mr. Lindsey

1. Authorize hiring of probationary police officer

Mr. Lindsey said that Council had interviewed candidates for the open police patrolman position earlier this evening. The position has been open for some time with many officers working double shifts and overtime.

Motion:

Mr. Lindsey made a motion, seconded by Mr. Lorenzini, to hire Ms. Dannielle Ripper as a probationary police officer, contingent upon the passage of medical and psychological exams.

Motion carried unanimously.

2. Mr. Lindsey said there was a fire at First Commonwealth Bank on August 11, which started out as a car fire and spread to the building. Several other fire departments assisted as well as the Green Tree Police Department, including Chief Cleary who assisted on his day off, by helping with traffic and supporting his officers. Fortunately, there were no injuries despite it being a long day.
3. Mr. Lindsey said the Green Tree and Dormont Sportsman's Bash will be held on Saturday, September 8. Tickets are still available.

B. STREETS & PUBLIC HEALTH - Mr. Novak

1. Mr. Novak stated that Poplar Street is open after several weeks of closure due to the gas company moving a line in preparation of the storm sewer project. Mr. Montz said he would have the dates when the sewer project should begin by the end of the week. This project should not include a detour or total closure of Poplar Street. If a detour is needed it would only be during nighttime hours.

C. PUBLIC PROPERTY & EQUIPMENT - Mr. Rea

Mr. Rea had nothing to report at this time.

D. FINANCE - Mr. Tintori

Mr. Tintori had nothing to report at this time.

E. RECREATION & COMMUNITY AFFAIRS - Mr. Panza

In Mr. Panza's absence there was no report.

F. PLANNING & ZONING - Mr. Lorenzini

1. Review and discussion of proposed comprehensive Zoning Ordinance update.

Mr. Lorenzini introduced Ms. Marissa Escajeda, an intern with the borough this summer, who worked on the drafting of the zoning ordinance and incorporate Council's changes.

Mr. Lorenzini said he had created a list of items from previous review meetings that still needed to be addressed. They had not been addressed for a number of reasons because they needed additional information or input. He hoped that these items could be completed this evening to begin the approval process for the revised zoning ordinance.

Mr. Montz said that the numbering would be the last thing to be cleaned up after all the changes had been made. He presented the following items for Council's review and approval.

Single Family Residential

Solar panels were added as a permitted accessory use, not only in this district, but also in every district throughout the borough.

NEIGHBORHOOD COMMERCIAL DISTRICT

Ms. Escajeda distributed revised zoning maps to Council. Mr. Montz said the Neighborhood Commercial District was the business area along Greentree Road and Noblestown Road. The height of an accessory structure in this district was set at 15 feet.

GENERAL REGULATIONS

The roads where distributed antenna systems would be permitted were added to the ordinance.

Fences, Porches and Decks

Mr. Lorenzini noted that there were currently two Section 420-35 in the book that needed to be corrected. He realized that the numbering would be corrected at the end of the process, but asked if gaps would be left in the numbering for future updates. Mr. Montz said he would have to look at this possibility. Mr. Lorenzini said it would prevent the need to change all the numbering each time a new item was added to the ordinances.

The current zoning ordinance does not have a limit to the depth of a front porch and it could theoretically be permitted to extend into a front yard to five feet behind the property line. The revised ordinance allows the installation of porches to project no more than ten feet (10') beyond the front of the building line. Porches remain open air additions only.

Parking

Mr. Lorenzini said that the parking for hotels was still listed as 1.5 stalls per unit and it should be changed to 1.1 stalls. Council agreed this should be corrected and discussion continued regarding the details of determining required parking for hotels with conference rooms, offices, etc.

Mr. Montz said that he had reviewed information from other communities regarding the parking requirements for various elder care facilities and found the 0.5 parking spaces per unit was the standard.

SUPPLEMENTAL REGULATIONS

Bed & Breakfast

A double-sided sign for a bed & breakfast has been eliminated.

Business Services

Mr. Montz stated that he had reviewed other communities' definitions for Business Services and added a definition for this item.

Dry Cleaners

Mr. Montz said there had been previous discussions regarding the waste disposal of dry cleaning facilities. Additional regulations were provided to cover the details of waste disposal.

Construction & Building Related Trades

Mr. Lorenzini said that item (e) refers to 420-5, but that number refers to "Relationship to the Comprehensive Plan and Community Development," which is incorrect. Mr. Montz said he would review previous references and insert the correct reference number.

Health Clubs

There were no supplemental regulations for Health Clubs. After looking at other municipalities' regulations, Mr. Montz said he had crafted appropriate regulations for Council's review.

Hotels

Several additional supplemental regulations were added, including the requirement of a separate bathroom facility for each unit. Accessory uses permitted for hotels were dining facilities, conference meeting rooms, recreational facilities, and gift shops.

Independent Living Facility

There were no supplemental regulations for Independent Living Facility. Mr. Montz stated that after a review of several nearby communities' requirements, he added similar language to the borough's proposed zoning ordinance.

Mr. Lorenzini asked if an accessory use for dining facilities should be added for Independent Living Facility. Mr. Sampogna said dining facilities in an Independent Living Facility would not be an separate business from the facility itself. A dining facility is part of the requirement of running an Independent Living Facility and does not serve the general public. Mr. Montz said he had not seen a dining facility as an accessory use for Independent Living Facility in other communities' zoning ordinances.

Mr. Firman, from the audience, stated that the definition of an Independent Living Facility includes dining facilities, laundry facilities, transportation services for residents, etc. These are all supporting services that are required to operate an Independent Living Facility. Mr. Molinaro added that Independent Living Facility also indicates that it provides common leisure areas, recreational areas, dining areas, etc. These items are based on the definition and do not need to be added to the supplemental regulations.

Laundromat

Mr. Montz had added regulations similar to other communities.

Skilled Nursing / Health Care / Personal Care Facilities

The proposed zoning ordinance had had no supplemental regulations. After reviewing a number of other communities' regulations, Mr. Montz said he added similar regulations to the proposed ordinance.

Mr. Molinaro noted that most of these facilities tend to provide continuous care, where elders might start out in an Independent Living Facility and might progress to a Skilled Nursing or Assisted Living. Discussion continued regarding facilities that combined various levels of elder living assistance.

Ms. Escajeda said she had done the research with other communities' regulations regarding these types of facilities and had not found any ordinances that put these three types of care separately.

Office Warehouse

Ms. Escajeda said she found that many of the other communities' ordinances that she had researched had included this use with regulations, but it had not been included in Green Tree's proposed ordinance. It was inserted into the ordinance for Council's review and approval since so many other communities in the area have included it.

Parcel Delivery Service

Ms. Escajeda said this was another item that did not have supplemental regulations. After discussing this item with the Borough Engineer, they determined that the post office in Green Tree was the largest existing parcel delivery service center, so that size was used as the maximum size of a Parcel Delivery Service in the ordinance.

Mr. Montz said that Parcel Delivery Service would also be allowed to have an opaque fence for screening and only be permitted on an arterial road that connects to a state road under the control of the Pennsylvania Department of Transportation.

Mayor Schenck asked what other nearby communities Ms. Escajeda had used to compare and provide regulations. She replied that she had used information from Peters Township, Upper St. Clair, Mt. Lebanon, Mount Penn Township, Ross Township, Robinson Township, Sewickley, and Cranberry.

Research & Development Facilities

Ms. Escajeda said that items (d) through (i) were added based upon other municipalities' ordinance requirements. Mr. Molinaro said that item (d) states that the facility shall have "one point of ingress and egress." He asked if that meant there should only be one point or if there should be at least one point. Mr. Montz replied that they must have at least one point of ingress and egress. Mr. Molinaro said this should be clarified that the facility shall have "**at least** one point of ingress and egress." Mr. Montz said he would make that change.

Transit Shelter

There was no definition or regulations for Transit Shelters. Mr. Montz said he had added the standard definition and regulations that appeared in other communities' zoning ordinances. Discussion continued regarding transit shelters.

Warehouse & Storage, Commercial Wholesale Establishment

Mr. Montz said maximum sizes were added to these two uses.

SIGNS

Sandwich Board Signs

A definition for Sandwich Board Signs was added. Mr. Lorenzini said there had been a discussion regarding the number of sandwich board signs that would be permitted per property or if they were even wanted. Mr. Montz said that the current ordinance does not permit sandwich board signage, but it is hard to enforce.

After a discussion, it was agreed that Sandwich Board Signs should be permitted in Neighborhood Commercial and Office Commercial Districts. In addition to the definition and requirements that had been inserted in the proposed ordinance, Council agreed that one sandwich board sign would be permitted per property and it could not exceed two linear feet in width and cannot be illuminated. The part of the definition referring to the type of finish should be removed since chalk, dry erase, or magnets could be used for a sandwich board sign. Sandwich boards cannot be placed on the sidewalk.

Discussion continued regarding the issue of allowing additional sandwich board signs at businesses with a large frontage. Mr. Molinaro said it would be easier to keep the number of sandwich board signs at one per property. If that becomes a problem for some businesses, they could apply for a variance. If there are enough businesses who want more than one sandwich board sign, Council could consider making a revision to the ordinance in the future. However, it would be much more difficult to set the number of signs at two for businesses with larger frontage and then reduce it.

Council agreed that sandwich board signs should be set at only one per business no matter the size of the frontage of the business. If a business wants to have more than one sandwich board sign for a business they can apply for a variance. Council did not have a problem with allowing sandwich boards in other business districts since they would probably not be used by many businesses in the other commercial districts.

SOLAR ORDINANCE

Mr. Montz referred to the section that covered solar panels. He said the revised ordinance would allow solar panels where it would provide maximum solar usage. Panels could be installed on both sides of a roof as well. He said that many of the recent solar installations do not include battery packs and are not storing the power. Instead these people are using the energy they need and selling the excess back to the power company, getting enough energy credits to use the energy during the night. Panels do not have to be elevated off a roof as much as they needed to be in the past. Therefore, the revised ordinance states that the panels cannot be elevated more than six inches off of the roof.

Ground-mounting will be permitted under the revised ordinance with the ground mounting permitted to be as high as the highest accessory use in the area. Most homeowners would not want ground-mounted units in their yard or their neighbor's yard. Therefore, for residential districts, a property must have 1.5 acres or more to have ground-mounted solar units and they cannot go higher than ten feet. Discussion continued regarding the various changes in the proposed solar ordinance.

Mr. Montz said that there have been a number of variance requests for solar panels over the past several months because of a limited federal tax credit that is available. He suggested that Council pull the revised solar ordinance out of the entire revised ordinance for quicker approval. Mr. Molinaro said that if Council decided they wanted to approve the solar ordinance or any other sections sooner, in advance of the approval of the entire comprehensive zoning ordinance, they would need to authorize the preparation of the necessary zoning ordinance they wished to approve. The ordinance would also need to be sent to the Planning Commission for their review since Council had drafted the solar ordinance. A Public Meeting would need to be held. At the same time, the ordinance would be sent to County Planning for review. Once these steps were taken, Council would have to hold a Public Hearing, followed by ordinance adoption. Mr. Tintori asked if this procedure would take about the same length of time as the approval of the comprehensive zoning ordinance. Mr. Molinaro replied that he did not think the comprehensive zoning ordinance would be able to be adopted by the end of this year. Mr. Montz said that if the procedure for approval of certain individual sections of the proposed ordinance (solar and hotel/elder parking revisions) were initiated this evening, it is possible for approval of these sections by November. Completion and approval of the entire revised zoning ordinance would take longer. Mr. Molinaro said he could not be sure if these changes could be approved by November, but could possibly be completed by December. Discussion continued regarding the details that needed to be done in order to expedite the approval of these items.

Motion:

Mr. Tintori made a motion, seconded by Mr. Novak, to authorize the proper officers to begin the preparation of the following changes to the borough's existing zoning code ordinance:

- (1) To amend the solar photovoltaic system ordinance, using the existing language from the proposed comprehensive zoning ordinance.**

(2) To amend the hotel parking requirements and assisted living parking requirements.

Motion carried unanimously.

Mr. Montz noted that these items might not be changed until the end of the year, which means that residents who wish to get solar panels and obtain the tax credit would still have to apply for a variance until that time.

USE TABLES / ZONING MAP

Mr. Lorenzini said that Patio Homes and Railroad needed to have definitions added to the proposed zoning ordinance. Mr. Montz said he would add those definitions, have another final review with the Borough Solicitor, and present the final recommendation to Council.

Mr. Lorenzini said an area of zoning between Warriors and South Bee Street still needs to be reviewed. Mr. Montz said he would look at that area as well as the area on the corner of Aiken School, which has always been zoning Commercial, but the revised zoning map shows it as being in the Recreational District.

Mr. Molinaro asked if Mr. Montz had done an analysis as to whether the rezoning would cause any existing properties to become non-conforming. Mr. Montz replied that this had been looked at and, although he couldn't state that there were no new non-conforming properties with the revised zoning ordinance, those involved had tried their best to avoid creating as many non-conforming properties as possible. When building sizes were considered, the existing building sizes were used in the new ordinance to avoid this issue.

Mr. Lorenzini asked who owned the property in and around the Parkway cloverleaves and interchanges. He said if they were within the borough's control, he would like to make the areas Recreational. Mr. Sampogna said that area is state-owned by PennDOT and if PennDOT plans to change the interchanges they will be in touch with the borough at that time. Those areas are considered state property, not borough property.

ADJOURNMENT

Motion:

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

Motion carried unanimously.

Mark Sampogna, President

W. David Montz, Manager