

**BOROUGH OF GREEN TREE
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2021**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Green Tree Planning Commission met on Wednesday, September 22, 2021 at 7:00 p.m. in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220.

ROLL CALL

Members Present:

James Turocy, Chair
Firas Abdelahad
Cheryl Bakin
Ed O'Donnell
Robert McWilliams

Also Present:

Louis A. Casadei, P.E., Borough Engineer
Deborah N. Gawryla, Stenographer

Absent:

Al Erwin

HEARING OF THE CITIZENS

There was no one present who wished to be heard.

CHAIRMAN'S REPORT - Mr. Turocy

Mr. Turocy reported that Ms. Rebecca Chembars has resigned from the Green Tree Planning Commission. Mr. Turocy said that Planning Commission appreciated that Ms. Chembars had rejoined Planning Commission over the past year. She had been a member of Planning Commission for a long time and will be missed.

APPROVAL OF THE MINUTES

August 11, 2021

Motion:

Mrs. Bakin made a motion, seconded by Mr. O'Donnell, to approve the August 11, 2021 minutes as presented.

Motion carried unanimously.

August 25, 2021

Motion:

Mrs. Bakin made a motion, seconded by Mr. O'Donnell to approve the August 25, 2021 minutes as presented.

Motion carried unanimously.

REVIEW AND RECOMMENDATION TO COUNCIL OF THE PROPOSED WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

Mr. Turocy said the proposed ordinance would replace Article XII of the Zoning Code. There are a number of definitions that seem to be missing from the proposed ordinance that were in Article XII, including:

- (1) Definition of "Wireless" should be added. The current ordinance's definition is "Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, and/or commercial radio signals.
- (2) The definition of "Height of Communication Tower" should be added and called "Wireless Support Structure Height," reading, "The vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennas mounted on the tower and any other appurtenances."
- (3) The definition of "Emergency" should be added and read, "A condition that:
 - A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public or
 - B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Mr. Turocy said that throughout the proposed ordinance there is the use of the acronym "ROW," for "right-of-way," which should be defined or explained at the beginning of the ordinance.

Mr. Casadei said the opening statement of the ordinance should add "Chapter 420, Article XII," to better clarify the location where this ordinance will appear in the Zoning Code. "Chapter 420, Article XII" should also be added to the first paragraph of the ordinance that begins with "WHEREAS..."

Mr. Turocy said that the wording of the definition for "Small Wireless Communications Facility (Small WCF)" could be confusing with all of the times the word "and" is used at the end of each numbered item. After a discussion, Planning Commission agreed that this definition should be revised, remove the various "and(s)" and change the opening sentence of this definition to read, "A Wireless Communications Facility that meets all of the following criteria."

Mr. Turocy suggested a change in the proposed ordinance §420-201 - General Requirements for All Wireless Communications Facilities, Section E, to add to the first statement, "Non-conforming Wireless Support Structures in existence prior to the effective date of this ordinance." Some of the current existing support structures would not meet these standards. Mr. Abdelahad said he has designed a lot of towers and felt adding that phrase could be tricky because the towers have previously been approved and items could be grandfathered. Mr. Casadei said that the tower could be non-conforming as to its use, but the structure itself would not. The borough changed the zoning districts where towers were permitted with the new zoning code and an existing tower in a district where it is no longer permitted would be a non-conforming use. However, a new wireless antenna could be added to the tower's support structure even though it would be a non-conforming use. Mrs. Bakin asked why this new ordinance is needed. Mr. Casadei replied that the Borough Solicitor has indicated that this new ordinance needs to be adopted in order for the borough to be in compliance with new FCC regulations.

Mr. Turocy said Section 420-203 (A)(12) should be changed to read, "Repair of Non-Conforming Tower-Based WCF in existence prior to the adoption of this ordinance..." Mrs. Bakin asked if this section meant that a damaged or destroyed tower could be rebuilt in the same location as long as it is built according to the current code. Mr. Casadei said that would be the case.

Mr. Turocy said Section 420-203 (A)(1) refers to the "Residence A Zoning District." With the recently adopted Zoning Code there is no longer a Residence A Zoning District. After a discussion and a review of the zoning map it was determined that the Residence A Zoning District would now include Single-Family Residential, Rural Residential, and Recreation Districts. Mr. Turocy said the same section refers to the Commercial A-1 District and Mr. Casadei said that district no longer exists. Mrs. Bakin said that all wireless communications towers are conditional uses, regardless of the district. A review of the zoning map was completed to confirm this. Discussion continued regarding a comparison between the old zoning code and the current zoning code to ascertain that the same conditions existed within the same districts. It appeared that the same information was used, but the zoning districts had been changed since the previous communications ordinance was approved and there were no new limitations in the locations. Mr. Turocy said that the "Residence A Zoning District also appeared in the same section, but under (A)(3) Design Regulations. Planning Commission agreed that both these reference to the Residence A Zoning District should be changed to Single-Family Residential, Rural Residential, and Recreation Districts.

Planning Commission reviewed Section 420-203 (A)(3) Design Regulations and discussed the height restrictions. Mr. Casadei said the previous ordinance had a limit of 35 feet throughout and the proposed ordinance lists 75 feet in the residential districts and 125 feet in other zoning districts where authorized. Mr. Abdelahad said that the new heights listed seem to be similar to other municipalities. Mr. Casadei stated that a tower of 75 feet in the residential districts could only be placed on borough-owned property and not on privately owned property. This will allow the borough to self-regulate the installation of towers in the residential districts. Commercial districts would allow towers as a conditional use in any area. Discussion continued regarding the difference between the design criteria and the location. Mrs. Bakin said that the Use Table in the current Zoning Code indicates that towers are permitted as a conditional use in the Office Commercial District, but nowhere else. Mr. Casadei said that the Use Table should also be corrected as part of this ordinance. He said that whenever any ordinance is changed or amended the Use Table in the Zoning Code should also be checked to make certain that it reflects the revised information as well.

Mrs. Bakin asked how the new standard heights of communications towers had been determined. Mrs. Bakin asked if the heights of 125 feet and 175 feet were reasonable. Mr. Abdelahad felt they were reasonable heights, because otherwise it would defeat the purpose of a communications tower. He noted that the ordinance said these heights were for existing wireless communications towers and the borough does not have any existing towers. Mr. Casadei said the new heights might be required to be in conformance with the new federal regulations. Discussion continued regarding the heights of towers.

Mr. Casadei said that it appears that the communications industry is moving towards smaller antennas instead of the towers, which would raise the question whether there is a need for the tall towers anymore. Mr. O'Donnell said that if there is a move for smaller communications systems then the height issue should be removed completely. Mrs. Bakin felt that 125 feet would be tall enough in any district. Mr. O'Donnell did not see a problem with removing the height issue entirely. Mr. Casadei said that Planning Commission is a recommending body and if the Borough Solicitor indicates that a height issue must be included, Council and the Solicitor can choose to keep the information in the ordinance.

Mr. Casadei said that Section 420-203 (A)(5) Fence/Screen says that a fence with a height of 10 feet shall completely surround the tower, but the maximum fence height permitted in the residential districts is only six feet. Mrs. Bakin suggested that this item be changed to read, "A chain-link security fence with the height of six (6) feet in Single-Family Residential, Rural Residential, and Recreation Districts, or a height of ten (10) feet in all other approved, conditional use districts shall completely surround any Tower-Based WCF located outside the public rights-of-way, as well as a guy wires, or any building housing Accessory Equipment."

Mrs. Bakin asked Mr. Casadei if Section 420-204 (A)(4) Timing of Approval provided sufficient time for approval. Mr. Casadei felt that the initial time between submission and notifying the WCF Applicant should be increased to 30 days, not 10 days. He then reviewed the chart for Section 402-201 (M) and felt those times for approval were sufficient.

Mr. Abdelahad said he was acceptable to Planning Commissions recommendations for the proposed ordinance and left the meeting at this time.

Mr. O'Donnell asked Planning Commission to review the tower heights again. He questioned the change from the current 35-foot height to 125 feet. Mrs. Bakin said if the 125-foot antenna height were permitted outside of the residential districts it would still be a conditional use, requiring the applicants to come before Planning Commission and Council in a public hearing to get approval. Mr. Casadei said that because 125 feet is the maximum allowable height does not mean it would be approved. After further discussion, Planning Commission decided to remove the last sentence in Section 420-203 (A)(3)(a) Design Regulations, which reads, "An existing Tower-Based WCF may be modified or extended to a height not to exceed a total height of 150 feet, to accommodate the collocation of additional WCFs."

Motion:

Mrs. Bakin made a motion, seconded by Mr. O'Donnell, to recommend the approval of the proposed Wireless Communications Facilities ordinance, subject to the following changes and corrections:

- 1) Add "Chapter 420" before "Article XII" in the opening statement and the first paragraph of the ordinance to clarify the location of the article.**
- 2) Section 420-200 - Definitions. Add the following definitions of:**
 - (a) Emergency - A condition that:**
 - A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public.**
 - B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.**
 - (b) Height of Communication Tower - The vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennas mounted on the tower and any other appurtenances.**
 - (c) ROW - Right-of-Way.**
 - (d) Wireless - Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, and/or commercial radio signals."**

- 3) Section 420-220 Definitions - Revise the Small Wireless Communications Facility (WCF) definition's opening paragraph to read, "A Wireless Communications Facility that meets all of the following criteria..." and remove the word "and" at the end of subsection (1), (2), and (5).
- 4) Section 420-210 (E) - Add to the first sentence in "Non-Conforming Wireless Support Structures in existence prior to the adoption of this ordinance."
- 5) Section 420-203 - Remove the references to the Residence A District in the ordinance and replace with the current Single-Family Residential, Rural Residential, and Recreation Districts. These changes should be made in Section 420-203 (A)(1) Conditional Use and (A)(3) Design Regulations.
- 6) Delete the last sentence in Section 420-203 (A)(3) Design Regulations: "An existing Tower-Based WCF may be modified or extended to a height not to exceed a total height of 150 feet to accommodate the collocation of additional WCFs."
- 7) Change Section 420-203 (A)(5) Fence/Screen to read, "A chain-link security fence with the height of six (6) feet in Single-Family Residential, Rural Residential, and Recreation Districts, or a chain-link security fence with a height of ten (10) feet in all other approved, conditional use districts shall completely surround any Tower-Based WCF located outside the public rights-of-way, as well as guy wires, or any building housing Accessory Equipment." The maximum height for fencing in the residential districts is six (6) feet.
- 8) Section 420-203 - Add to the first sentence in Section rwp-203 (A)(12): "Repair of Non-Conforming Tower-Based WCF in existence prior to the adoption of this ordinance."
- 9) Section 420-204(A)(4) - Change the initial time between plan submission and notification of the Small SCF Applicant to 30 days, not 10 days as indicated.
- 10) Correct the Use Table in the current Zoning Code by removing the permitted, conditional use of Wireless Communications Facilities in the Office Commercial District. It is not permitted in this district.
- 11) In the Small Wireless Communication Facility Design Manual add in Definitions: "ROW - Right-of-Way."

Motion carried unanimously.

REVIEW AND RECOMMENDATION OF PORTABLE STORAGE CONTAINER ORDINANCE

Mr. Casadei said that the purpose of this proposed ordinance was to regulate the use and length of time a dumpster can remain on a property. Mr. O'Donnell asked if this ordinance would cover Bagsters that can be purchased at hardware stores that are more like a large bag rather than a larger metal dumpster. Mr. Casadei believed that Bagsters would be included in this ordinance as well as larger dumpsters. Mr. O'Donnell did not think that a permit should be required for a Bagster. Mr. Casadei said that the purpose of this ordinance is for people who have left dumpsters or PODS

in their front yards for a long period of time. Mr. Turocy felt it would be punitive to require a resident to purchase a permit for a Bagster. With a construction project, the contractor would pay for the permit and include it in the cost of the project, but a Bagster accommodates refuse from much smaller projects. Discussion continued regarding the difference between a dumpster and a Bagster and whether a permit should be required for a Bagster.

Mr. Casadei said the ordinance does not specify a size for the dumpster, but is defined as, "...generally picked up by a truck, tractor, or other such vehicle." Mr. Turocy said that a size should be added to the ordinance and that should separate the Bagsters from larger dumpsters or PODS. Mr. Casadei said that much of the ordinance deals with putting a dumpster on a street and he did not want people to think that a Bagster could be placed in the street. He said the ordinance was suggested when the larger dumpsters were being placed on streets and not in driveways. This ordinance would allow a dumpster to be placed in the street for a limited time with certain requirements. The ordinance indicates that the dumpster must be able to be moved and shall not be a safety hazard. If left on the street, cones or other indicators would be needed to make it visible, especially at night, from vehicles running into it. Mr. Casadei said that if Planning Commission did not want Bagsters to require a permit fee, the fee could be waived with a statement that Bagsters could not be placed in the street at all.

Mrs. Bakin suggested that anyone using any type of dumpster would be required to notify the borough for approval of the dumpster's placement. A larger dumpster would require a fee with visibility requirements, while a Bagster user would be told that the Bagster could not be placed in the street. Mr. Casadei said that a permit fee for a Bagster could be waived, but Bagsters cannot be excluded entirely from the ordinance. Mrs. Bakin did not think that a dumpster bag should require a fee. Discussion continued regarding Bagsters versus dumpsters.

Mr. Turocy said a Bagster's dimensions are 8-feet long by 4-feet wide by 2.5-feet high (8' x 4' x 2.5'). Mr. Casadei said the ordinance could include the need for a permit for any dumpster container larger than that size. Mrs. Bakin said that the ordinance could state that a dumpster bag of that size or smaller cannot be placed in the street.

Mr. Casadei suggested that a qualifier be placed at the beginning of the ordinance stating, "This ordinance only applies to storage containers larger than 8' x 4' x 2.5'," which would exclude the use of Bagsters. Mrs. Bakin said the ordinance should split dumpsters into two categories based on their sizes.

(1) Bagster dumpsters -- 8' x 4' x 2.5' -- would be waived from the permit fee, cannot be placed in the street.

(2) Regular waste-hauling dumpsters, or any dumpster larger than Bagster size would be considered a commercial dumpster that would require a permit and limit the time it could be in one location.

Mrs. Bakin asked if a time limit should be set for the Bagsters. Mr. Casadei said that the collection of Bagsters is at the mercy of when Waste Management can come by to collect them and sometimes it takes longer than expected.

Mr. Turocy said the ordinance has a general definition for portable storage container, but the two sizes of storage containers requirements should be separated in the definition. Mr. O'Donnell felt

that a \$200 dumpster permit was too high. Discussion continued regarding how to separate requirements for Bagsters versus dumpster and the permit costs.

Mr. Turocy said that since Planning Commission decided to distinguish the difference between a Bagster and a large dumpster, and still needs to determine other requirements, he suggested tabling the review and continuing it at the next meeting in order to allow time for the comprehensive plan survey to be discussed.

Motion:

Mr. O'Donnell made a motion, seconded by Mrs. Bakin, to table the review and recommendation to Council regarding the proposed portable storage container ordinance until the next meeting.

Motion carried unanimously.

COMPREHENSIVE PLAN DRAFT SURVEY REVIEW

Mr. Turocy asked Planning Commission members for their input regarding the draft survey that Mr. Erwin had created. He felt that "Strong Leadership" should be removed from the survey and Planning Commission agreed. Mr. Turocy said that the different items on the survey regarding borough amenities should be rated in some way to determine quality of life categories.

Mrs. Bakin felt the survey was too long and suggested that it be broken into to separate surveys. The survey does not indicate the purpose of the survey and the importance of completing it. Mrs. Bakin distributed a draft she had written explaining the purpose of the survey and the comprehensive plan for Planning Commission to review. She said each item in the survey should be rated as it personally affects a resident's quality of life in Green Tree.

Mr. Turocy said that a safe community would include all three of the first items, i.e., Police, Fire, and EMS. Mrs. Bakin felt that each should be reviewed as individual entities since residents have different opinions regarding each of these services. She felt that the Keystone Oaks School District should be included for residents to state how they feel about it since it is often an important part of a decision to move to a community.

Mrs. Bakin said the item labeled "History" should be better defined, as it was not clear if it meant an interest in the community's history, if the history impacted your impression of the community, or was referring to the Historical Society of Green Tree. Mr. Turocy said that these items appear to be pulled from the 2010 Comprehensive Plan. Mrs. Bakin said the questions at the bottom of the draft survey need additional work before they can be presented to the public and could be part of a second survey. Mrs. Bakin suggested that the survey be posted online in the next week or so with about four to six weekly email blasts from the borough promoting the survey before the public meeting on November 10, along with a paper survey for those attending the meeting. A second survey could be created in January after the questions have been reworked. Discussion continued regarding revisions to the draft and a basic outline of the survey was decided.

Mrs. Bakin anticipated a total of three surveys. The first survey would rank various borough departments and amenities, the second would include the questions at the bottom of Mr. Erwin's proposed survey, and the third survey would ask residents what they see as the most important items or projects that need to be done in the borough, such as road repair, sidewalks, businesses, etc. Items of interest, such as the Farmers Market, seem to be in decline and it should be asked whether such services are still important to residents. Mr. Casadei suggested that the first survey should ask

what residents feel are the most important amenities in Green Tree, then take the items that generate the most interest and have residents rate those items. Mr. Turocy said the Farmers Market would probably fall under Community Events. There are a lot of community events in Green Tree and ranking all of them would be another issue.

Mrs. Bakin suggested that easels with large paperboards should be available at the public meeting to write down suggestions and ideas. Mr. Turocy said it should be made clear to those in attendance at the public meeting that it is not a personal complaint session, but it is a meeting to discuss what the future vision of Green Tree should be. A draft of the proposed survey will be sent to Planning Commission members for review and changes before it goes live on the website. Discussion continued regarding the survey.

OTHER BUSINESS

Mr. Casadei said that the Borough Solicitor would be attending the October 13th meeting to discuss corrections and changes to the zoning code. Mr. Casadei said that perhaps the Solicitor could answer some of the questions regarding antenna height that Planning Commission had discussed regarding the Wireless Communications Facilities ordinance. Mr. Turocy said that many of the changes are a result of lobbying by the FCC and the wireless industry. The revised ordinance reflects some of these proposed changes.

ADJOURNMENT

Motion:

Mr. O'Donnell made a motion, seconded by Mrs. Bakin, to adjourn the meeting.

Motion carried unanimously.

James J. Turocy, Chairman

Ed O'Donnell, Secretary

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