

**BOROUGH OF GREEN TREE
COUNCIL MEETING
SEPTEMBER 26, 2016**

Call to Order / Silence for Meditation / Pledge of Allegiance

Green Tree Borough Council met on Monday, September 26, 2016 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna asked those present to remember the wife of a former Public Works employee who recently passed away.

ROLL CALL

Members Present:

Mayor Edward A. Schenck
Mark Sampogna, President of Council
Rino Lindsey
David Lorenzini
Ron Panza
David Rea

Also Present:

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

Absent:

John Novak
Arthur Tintori

HEARING OF THE CITIZENS

Cheryl Bakin, Green Tree Planning Commission, Greentree Road

Mrs. Bakin said she had a few comments regarding the July 25 Council minutes where the proposed zoning ordinance had been reviewed. She said that Council had discussed setting the closing times for bars, taverns, and drinking establishments, as well as restaurants, at 2:00 a.m. She asked that Council make certain that this time was consistent throughout the entire ordinance. During Planning Commission's review they had found inconsistencies in the closing times in the ordinance and they had worked hard to make certain that they were be consistent throughout.

Mrs. Bakin said Council had also recently discussed whether to allow a retail presence within a funeral home. She said she had discussed this issue with personnel at three local funeral homes and found that there are several issues that are required by state law to be considered a retail establishment. Funeral homes collect sales taxes on some of its sales and Council should be careful when applying the word "retail" when to funeral homes and funeral services.

Mrs. Bakin said that Council had also discussed the issue of whether to allow food to be served at a funeral home. This item is currently under appeal through the Pennsylvania court system. There was a law passed several years ago that granted funeral homes the ability to serve food, or permit families to bring in food, to be served in the funeral home. Some funeral homes have added additional wings that families can utilize as a meeting and gathering location. This is currently under appeal. When asked, Mrs. Bakin said she was suggesting that the proposed zoning ordinance be revised to allow this issue to be controlled by state law. Discussion continued regarding earlier discussions regarding the serving of food at funeral homes.

MAYOR'S REPORT - Mayor Schenck

Mayor Schenck had nothing to report at this time.

REPORT OF GREEN TREE 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. Lorenzini said Council would be reviewing the Office Commercial District in the proposed zoning ordinance this evening.

Mr. Lorenzini said he also had a number of items that needed to be changed in the proposed zoning ordinance. They are corrections that had been discussed and agreed upon, but have not been made in the document itself. After a discussion, Council decided to review these items at the end of the meeting so they could be formally included in the minutes.

Mr. Montz reviewed the map of the proposed zoning districts and pointed out where the Office Commercial District would be located. The Office Commercial District would include Foster Plaza, Parkway Center, Fleet Street, Old Mansfield Road, a portion of Mansfield Road between Poplar and Foster Plaza, and Noblestown Road.

Council discussed the following items in the Office Commercial District with the following comments and actions:

Business Services

This item needs to have further review and more information.

Church / Place of Worship / Religious Institution

This item should be removed from the Office Commercial District. It is permitted in the Residential district, which should be sufficient.

Clinic

Mr. Montz felt the definition of Clinic was too open-ended, and needed some additional regulations to differ it from a doctor's office. Mr. Lindsey asked if a veterinary clinic would be included in this use. Mayor Schenck asked if it would include methadone clinics. Council agreed that this item should stay in the Office Commercial District, but should be reviewed again and defined in more detail. Discussion continued regarding the homes and businesses between Poplar and Foster Plaza in this district.

Community Facility

Discussion took place regarding what specific facilities would fall under this category. Mr. Molinaro said the definition referred to both "semi-public" and "semi-private" institutions and he questioned what the distinction was between the two. He said he did not know how to interpret the definition and agreed that it should be revised. Mr. Montz said it appeared to include items like libraries, museums, tennis club, and private clubs like the VFW, Elks, Moose, etc., but the ordinance already allowed for these types of uses. Mr. Montz questioned whether the Community Facility use was actually needed. Mr. Lorenzini said that Community Facility is permitted in three different districts: Office Commercial, Neighborhood Commercial, and Recreation. Council decided that this item needed a more detailed definition, additional regulations, and should be reviewed more closely to narrow down the use.

Mrs. Bakin said that Planning Commission had permitted this use in the Office Commercial District as a possible recreational development in the greenspace on Noblestown Road near Foster Plaza. Mr. Montz said the definition for Community Facility should be revised to clearly indicate whether such a facility would be public or private, and add additional specifics regarding what would be included in such a facility. Mr. Molinaro felt that this use could be an

enforcement nightmare as it currently is proposed in the ordinance. Mr. Lorenzini asked if Community Facility should be eliminated entirely. Mr. Sampogna noted that Community Facility is a use that does not exist in the current zoning ordinance. Mr. Molinaro said it does not need to be eliminated entirely, but a better definition is needed. Mr. Lindsey suggested that this use could be limited by size of the facility.

After additional discussion, Council said it should be decided whether it was actually needed or if other uses, such as fraternal organizations, health clubs, etc., would adequately cover the same uses.

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Mr. Molinaro said that while browsing the definitions section, he noticed that the definition of Conditional Use used the phrase "or denied." He stated that a Conditional Use is something that is allowed by the ordinance and the phrase "...or denied" should be removed from this definition. Discussion continued regarding how the numbering would have to be revised and corrected at the end of the review.

Convenience Store

Mr. Montz questioned whether the strip of businesses along Noblestown Road should be included in the Office Commercial District. He felt there was a vast difference between the size of the properties on Noblestown and those in Foster Plaza or Parkway Center and questioned whether a convenience store made sense in most of the Office Commercial District. Mr. Lindsey suggested that a convenience store could be an ancillary use to the office complexes for the convenience of the office workers. He did not want to limit Green Tree's office complexes from various possible uses that other office complexes in other communities currently allow. Discussion continued regarding whether the Noblestown Road area should be in the Office Commercial District.

Council decided that the office complexes should be permitted to have ancillary amenities to cater to the people who work there, but those amenities should be limited to maintain the office-type atmosphere. Discussion continued regarding the type of limitations that could be placed on convenience stores, restaurants, and other establishments that would be ancillary to the office parks. Mr. Montz suggested that full-service restaurants could be permitted, but fast food, drive-thru, and carryout restaurants should not be permitted. Additionally, the Noblestown Road area should be moved to a different district entirely. Council agreed, and reiterated that a convenience store should only be permitted as an ancillary use to the office parks.

Council discussed whether the area of Old Mansfield Road should also be removed from the Office Commercial District given the current lot sizes and uses of the properties in that area.

Essential Communications Antenna / Tower

Essential Public Service Installations

These items had been redefined in a recently adopted communications antenna ordinance and moved to Conditional Use in all districts.

Food and Grocery Store

Funeral Home

After a discussion, Council decided to remove these two uses from the Office Commercial District.

Garage and Parking Structure

Council agreed that this should only be permitted as an ancillary use in this district.

Group Home

Home-Based Business, No Impact

These items should be removed from this district.

Hotel / Motel

Council agreed to strike the term "Motel" from this use. Mr. Molinaro said the definitions for hotels and motels should be reviewed closely. Council continued to discuss the definition of hotel and ways to establish guidelines. Mr. Molinaro said that Council needed to be careful when limiting hotels, or converting them to conditional uses, because it could impact the ability of the hotels to get future financing if they are sold.

Mr. Lindsey asked what regulations currently existed governing hotels. Mr. Montz outlined the conditions required for hotels, which are minimum room sizes, buffer yards, lighting and off-street parking. Mr. Montz said he would contact another community, such as Robinson Township, where a number of new hotels are being built and see what kind of language is used in their ordinance. When asked, Mr. Molinaro said that the number of hotels in a district could not be limited.

Independent Living Facility

Nursing and Personal Healthcare Facility

Skilled Nursing

Mr. Molinaro asked why Independent Living Facility was a permitted use while Nursing and Personal Healthcare Facility and Skilled Nursing Facility were Conditional Uses. He said the current trend is to create progressive types of facilities where people, due to age or disability, can remain in the same facility even if their health deteriorates. Council agreed that all three uses should either all be Permitted or Conditional Uses. Mr. Montz said he review these uses further and recommend whether they should be Permitted Uses or Conditional Uses.

Institutional Home

Laundromat

Library

After a discussion, Council agreed that these three uses should be eliminated from the Office Commercial District.

Office

Council decided that the definition needed to be rewritten to provide better clarification. Mr. Sampogna said the definition uses a number of negatives that state what an Office is not, instead of clearly defining Office.

Parcel Delivery Facility

Mr. Montz suggested that a Parcel Delivery Facility needs to be limited in size and additional supplemental regulations are needed. He suggested that it should be a Conditional Use. He did not feel that a larger Parcel Delivery Facility would be appropriate in this district since it would probably require a number of tractor-trailer trucks with large volumes of deliveries and shipments, plus a large number of smaller vehicles regularly coming and going. Council agreed that Mr. Montz should revise the use's definition and determine if it should remain in the Office Commercial District.

Parking Lot

Mr. Montz said that parking lots should be ancillary to a building. Council agreed that it should be removed as a use.

Personal Care Facility

Mr. Montz said this might fall under the previously discussed uses of Independent Living Facility, Nursing and Personal Healthcare, and Skilled Nursing. He said he would need to review all of the definitions for these uses and determine if they were different types of uses or simply different names for the same use. Council agreed he should review these items further.

Personal and Business Services

Mr. Montz suggested that this use should be ancillary in the Office Commercial District. Council agreed that this should become an ancillary use only in this district, whereas it could be permitted in other districts.

Print and Publishing Services

After a discussion, Council decided that Printing and Publishing Services should only be an ancillary use in this district.

Private Club or Lodge

Council discussed the different types of possible private clubs or lodges and whether they should be included in the Office Commercial District. Mr. Lindsey pointed out that a private club or lodge might keep evening or weekend hours and some of the buildings in Foster Plaza abut the residential district where night and weekend hours might not be appreciated. Mr. Lorenzini suggested that social activities could be kept indoors. Council decided to leave Private Club or Lodge in this district, but to have Mr. Montz revise the definition of this use, or possibly make it a Conditional Use, that would include language that would require it to be a greater distance from a residential district. Creating a larger setback for a Private Club or Lodge would allow it in most Office Commercial buildings, where it would not be a problem, but prevent it from those that directly abut residential districts. Council also requested that the definition state that adult entertainment would not be permitted in a Private Club or Lodge

Recreation, Commercial, Indoors**Recreation, Commercial, Outdoors**

Council requested that Mr. Montz check if these uses appear elsewhere in the ordinance. Mr. Montz said that the 25-foot setback should be increased.

Repair Shops, Small, Non-Vehicular

Mr. Lindsey suggested that Repair Shops, Small, Non-Vehicular should be ancillary to the district's uses. Businesses such as shoe repairs, cell phone and electronics repair shops, are popular businesses near office complexes. Mr. Montz said there was no definition for a Repair Shop, Small, Non-Vehicular, so it was not clear what types of businesses it would include. He said he would look into it further.

Retail Stores (three sizes shown)

Mr. Montz said there were three different types of Retail Stores listed, ranging in size, and Council needed to decide which size should be permitted in the Office Commercial District. After a discussion, Council could not decide what size would be appropriate for the office parks in the Office Commercial District since it was difficult to imagine the various retail sizes referenced. Mr. Montz said he would research the retail issue more and recommend an acceptable size for the Office Commercial District.

Theater

Council did not have an objection to allowing a Theater use in this district, but felt that the size needed to be limited and it should be indicated that only an indoor theater would be permitted, so an outdoor amphitheater would not be considered.

Trade, Vocational, Business and Commercial Schools

Mr. Panza asked if this use was the same as an Educational Institution. Council decided that it was a duplication of Educational Institution and said it should be deleted.

Car Rental Office

Although this use was not included in the Office Commercial District, Mr. Lindsey said it should be included as an ancillary use, so local hotels could provide this service if they wished. Council agreed that this should be added.

Wholesale Establishments

Discussion took place regarding the existing wholesale establishments that existed along Noblestown Road. Mr. Molinaro questioned why there needed to be a difference between wholesale and retail establishments. Mr. Lindsey replied that a wholesale distributor does not sell directly to the public and often carries larger amounts of a product, which require deliveries by larger and more frequent tractor-trailer truck deliveries. After a discussion, Council agreed the Wholesale Establishments should be included in the Office Commercial District, but the size of such establishments should be limited. Mr. Sampogna added that Wholesale Establishments should only permitted on state roads in the district.

A review of the proposed zoning map continued. Mr. Montz suggested that the area along Mansfield that was currently marked as the Light Industrial District, could be changed to the Office Commercial District, since those businesses were primarily wholesale establishments and could be included with the stipulation that they would only be permitted on state roads.

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Because of the late hour, Mr. Lorenzini decided to postpone presenting his list of changes to the proposed zoning ordinance. Council decided to hold the next review meeting on Monday, December 12. They would complete the review of the Office Commercial Conditional Uses and cover another district at that time.

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