

**BOROUGH OF GREEN TREE
PLANNING COMMISSION MEETING
OCTOBER 13, 2021**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Green Tree Planning Commission met on Wednesday, October 13, 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
Cheryl Bakin
Al Erwin
Robert McWilliams

Also Present:

Kate Diersen, Esq., Borough Solicitor
Louis A. Casadei, P.E., Borough Engineer
Deborah N. Gawryla, Stenographer

Absent:

Firas Abdelahad

HEARING OF THE CITIZENS

There was no one present who wished to be heard.

CHAIRMAN'S REPORT - Mr. Turocy

Mr. Turocy reported the Planning Commission's comprehensive plan survey has some initial results that he would show interested Commission members.

DISCUSSION WITH BOROUGH SOLICITOR REGARDING ZONING AMENDMENT AND ZONING USE TABLE

Mr. Turocy said that after reviewing the proposed zoning amendment he had the following changes:

1. §420-23(B) - "Farmer's Market" and "Farmerss Market" should be changed to "Farmers Market" in two different locations.
2. §420-49 should be deleted. Instead §420-48 should appear after "Animal Hospital/Vet Clinic."
3. The ordinance should address both "Group Residential Homes" and "Group Residential Facilities" as two separate items.

Mrs. Bakin said that the Use Table had been put in the Zoning Code as a helpful guide in locating uses in the actual Zoning Code and some items had been changed or deleted in the Use Table between Planning Commission's and Council's review of the document, but the items can be found in the Zoning Code itself. Mrs. Diersen said that the Use Table is part of the Zoning Code so it should also be accurate.

Mrs. Diersen said that the Multi-Family definition indicates three or more dwelling units in one section and two or more dwelling units in another area. She asked what Planning Commission wanted to use to define Multi-Family. Planning Commission agreed that Multi-Family should be two or more dwelling units. Discussion continued regarding Multi-Family units.

Mrs. Diersen asked about the size requirements for multi-family units. Mr. Casadei said that 6500

square feet is the minimum size for a single-family dwelling. She said the ordinance indicates that two-family dwellings should be a minimum of 7,000 square feet each, but multi-family dwellings are listed with a minimum of 1,500 square feet per dwelling. Mr. Casadei said that in the Rook section of Green Tree the lots are intrinsically small and also contain a number of multi-family units. That area is considered the Multi-Family District and the sizing for the dwellings were different than those in the Single-Family District. Mrs. Diersen said that sizing should be consistent between the different types of dwellings. Mr. Casadei felt that in the Multi-Family District a duplex, or two-family dwelling, should be 6,000 square feet with 3,000 square feet for each dwelling. Therefore, a larger multi-family dwelling should be 9,000 square feet or more accordingly. Discussion continued regarding what the dwelling sizes should be in the Multi-Family District.

Discussion continued regarding high-rise buildings and the districts they could be permitted. Mrs. Bakin said high-rise buildings are limited to seven or eight stories in height. Mrs. Diersen said a high-rise building should be a conditional use rather than a permitted use, as other individual conditional uses must be considered such as traffic generated, sewage, etc. Mrs. Bakin said the Zoning Code had been written pre-pandemic and there had never been discussion about converting a building in Foster Plaza or Parkway Center into apartments, especially since City Vista Apartments had just recently been constructed. However, the recent need for housing in the area should be addressed properly to take this into consideration.

Mrs. Bakin said a definition is needed for "Boarding House." Mrs. Diersen said that some of the regulations for boarding houses are state regulated. Mrs. Bakin said Boarding House appears on the Use Table as a conditional use in the Service Commercial District, but just needs to have a definition added.

Mrs. Bakin said that regulations regarding AirBnBs should be added to the zoning. Mrs. Diersen said there have been a number of cases regarding the regulation of AirBnBs. The most recent case said that AirBnBs cannot be in a district that is not transient. AirBnBs are considered transient lodging. Mrs. Diersen said a regulations could be established in the residential districts prohibiting rentals for less than 30 days, or limiting the number of rentals per year, etc. Most communities did not go as far as requiring registration or licensing. Mrs. Bakin asked how an AirBnB would be regulated if a license is not required. Mrs. Diersen replied that registration could be required, but a license would not be issued. Often these regulations are only enforced when neighbors complain about it. Mrs. Diersen said that AirBnBs are not permitted in the Single-Family District, but additional regulations could be added. Mrs. Bakin felt AirBnBs should be regulated. Mrs. Diersen said they are difficult to consistently enforce and the question becomes how much does the borough want to spend for licensing and enforcement. Based upon where the case law is regarding AirBnBs, she felt that the borough has enough on the books to enforce them if needed. Discussion continued regarding the regulations established for AirBnBs in different communities based upon other existing conditions.

Mr. Erwin asked if AirBnBs pay taxes on their earnings. Mrs. Diersen said they are supposed to pay taxes, but it is still a residential use and often goes unnoticed. Mr. Casadei said that most people buying homes in Green Tree are not turning them into AirBnBs. Mr. Erwin suggested that those individuals renting their homes as AirBnBs should register with the borough. Mrs. Bakin asked why there are so many AirBnBs in Green Tree if they are currently not permitted in the residential district. Mrs. Diersen said that is because it is not being enforced. Mr. Casadei said at

this point enforcement would be entirely complaint driven. Discussion continued regarding AirBnB usage. After additional discussion, Mr. Turocy said that regulation of AirBnBs should be left as is. Planning Commission agreed.

Mrs. Diersen reviewed the Zoning Code changes that were recommended based on tonight's discussion:

- Make Mr. Turocy's recommendations that were mentioned earlier.
- "Group Home" needs to be separated out from "Group Residential Facility."
- Set minimum unit size for high-rise apartments at 600 square feet.
- Change definition of "Dwelling, Multi-Family" to two or more.
- Mr. Casadei should review minimum dwelling size of units in Rook to provide consistent sizing for Multi-Family Dwellings.
- Add a definition for "Boarding Home" to the Zoning Code.
- Mrs. Diersen will check on whether Methadone Treatment Facilities can be listed as a separate legal definition.
- Add "High-Rise" in the Light Industrial District. If it is added, parameters and restrictions would have to be established. Mr. Casadei suggested that Mrs. Diersen look at the language and regulations established in the PRD ordinance in the previous Zoning Code, which could probably be used for this as well. After checking, they found that there was a definition for "High Rise Development" in the old Zoning Code in the PRD District and decided to use that.

Mrs. Diersen asked if Planning Commission wanted "Clinic" back in the Neighborhood Commercial District as a permitted use. Planning Commission agreed it should be included. Mr. Casadei asked if the definition of Clinic should be revised. After a discussion, Planning Commission agreed that the current definition was acceptable.

Mrs. Diersen said she would make these changes and put together an amended ordinance for review. Mr. Casadei said Planning Commission would be meeting again on October 27th and could review the revised ordinance. After a discussion, Planning Commission said they would attempt to have this reviewed and recommended to Council at the October 27th meeting with a recommendation letter to Council so it could appear on the agenda at the November 1st Council meeting. If there are additional changes after the October 27th review then it will have to wait until the December Council meeting for approval.

REVIEW AND RECOMMENDATION OF PORTABLE STORAGE CONTAINER ORDINANCE

Mr. Turocy said that the only change that seemed to be needed for this ordinance was the separation between Bagsters and traditional dumpsters by size or volume. Mr. Casadei said that although the size of a Bagster has been identified, the concern would be if a different company would develop a similar, but different sized, Bagster-like product because the specified dimensions would be a problem. Mr. Casadei suggested the small Bagster product should not be defined by its dimensions, but by how many cubic feet it can hold.

Mr. Turocy said that because of the lateness of the hour, this item should be tabled. He had several other changes to this ordinance that he wanted to discuss. He said he would look at this ordinance and come up with a solution to the sizing issue. Mr. Turocy suggested that dumpster registration should be required on dumpsters larger than three cubic yards. He added that the ordinance needs additional reworking and formatted for review at the next meeting.

Mrs. Bakin asked if requiring a registration of 14 days prior to placing a dumpster on a property or on the street was too long of a time period. Mr. Casadei said that information could be put on the permit application that work requiring a dumpster would have to wait to begin until 14 days after the permit is submitted to the borough. Discussion continued regarding work requiring a dumpster.

Mrs. Bakin felt that inserting the exception for a temporary dumpster of three cubic yards or smaller would be fine. Mr. Turocy said a review of permit fees was needed along with some other items. Mrs. Bakin said the \$200 fee for a dumpster placed on the street seemed to be high. Mrs. Diersen said that the fees had been determined before she had reviewed the ordinance. After a discussion, Planning Commission agreed that the \$200 permit fee for a dumpster on the street was too high and said it should be reduced to \$100 to place a dumpster in the street. Planning Commission members agreed. Mrs. Diersen said the ordinance should add that any fees can be amended by resolution, which allows the fees to be changed in the future without having to adopt another ordinance. Mr. Turocy noted that this language already appeared in the ordinance.

After further review, Mr. Casadei noted that two different fees were referenced in the ordinance, one for \$50 and another for \$200. Mrs. Diersen said that the \$50 fee was for a dumpster placed in a driveway and the \$200 fee was for a dumpster placed in the street, which would be changed to \$100. Mr. Casadei said the difference in fees was because of the need for the police come out and inspect the dumpster's location on the street and the placement of reflectors.

Mrs. Bakin suggested that the phrase "on a Borough street" in (B)(15) should be bolded to emphasize the difference in cost depending upon dumpster placement. Mr. Erwin said that on (A)(7) the phrase "on a residential lot" should also be bolded. Discussion continued regarding the need for this ordinance.

Mr. Turocy said he had also changed some of the time limits in the ordinance and felt Planning Commission should review these changes before making a recommendation. He said it should be tabled until the next meeting.

Motion:

Mr. Turocy made a motion, seconded by Mrs. Bakin, to table the recommendation for the Portable Storage Container ordinance until the next meeting.

Motion carried unanimously.

COMPREHENSIVE PLAN DRAFT SURVEY REVIEW

Mrs. Bakin said that Mrs. Gawryla had done a nice job with the first comprehensive plan survey. Mr. Turocy said he had a copy of the most recent survey results. Discussion continued regarding the reduced usage of the pool and the planned renovations to the pool. Mr. Casadei said that the pool annually tends to lose a lot of money in its operation. There have been discussions about rehabbing or rebuilding the pool and Mr. Casadei said there needs to be support from the residents about these large expenditures beforehand. Mrs. Bakin asked how much financing the borough received from state or community-type grants towards the repairs for the pool. Mr. Casadei said the pool's repairs and maintenance is entirely paid from the borough's budget. The borough is currently applying for grants towards the possibility of rebuilding the pool since the price for a low-end, inexpensive pool costs at least \$3.5 million. That is a pool without slides, diving boards, zero entry,

or a baby pool. Mrs. Bakin said that if the borough applies for state grants then it should allow other state residents to utilize the state-funded resource of the pool. Mrs. Bakin said that city residents from Ridgmont and Westwood used to use Green Tree's pool regularly until the pool fees were increased for non-residents. Discussion continued regarding the usage of municipal pools and other community amenities.

OTHER BUSINESS

Mr. Casadei said he was retiring at the end of the October and this might be his last Planning Commission meeting.

ADJOURNMENT

Motion:

Mrs. Bakin made a motion, seconded by Mr. Erwin, to adjourn the meeting.

Motion carried unanimously.

James J. Turocy, Chairman

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