

**BOROUGH OF GREEN TREE
COUNCIL MEETING
JANUARY 8, 2024**

Call to Order / Moment of Silence / Pledge of Allegiance

Green Tree Borough Council met on Monday, January 8, 2024 at 7:30 pm in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220. Mr. Tintori noted that Council had met in Executive Session prior to this meeting to discuss personnel and legal matters.

ROLL CALL

Members Present:

Edward Schenck, Mayor
Arthur Tintori, President
Shannon Barron
Ron Panza
David Rea
Craig Romanovich
Emily Schwartz
James Turocy

Also Present:

Judy Miller, Borough Manager
Jacob Leyland, Borough Solicitor
Todd Carter, Code Enforcement Officer
Kim Beck, Stenographer

PUBLIC HEARING FOR CU-01-2023

Applicant, Jersey Mike's Sub Shop, requesting conditional use approval to open a "restaurant, fast food < 3,000 SF" within a Neighborhood Commercial Zoning District at 987 Greentree Road

Mr. Leyland gave the following statement:

"We are now going to turn to a public hearing on a conditional use application that was submitted by 987 Green Tree LLS for the property located at 987 Greentree Road. The proposed use for this property is a Jersey Mike's Subs, which is a fast-food restaurant. A conditional use is a use that is permitted so long as the applicant can demonstrate compliance with the requirements set forth in the Zoning Ordinance. The ordinance at issue today is Section 420-103 which imposes the following conditions on restaurants: The hours of operation for indoor facilities shall be limited to between 5:30am and 1:00am, and the building shall not exceed an overall height of 30 feet and is limited to one story. As a matter of procedure, the applicant will present his application and at the conclusion of that application, Borough Council may ask questions. Once Borough Council has finished asking questions, there will be an opportunity for the public to comment on this application. Please note that for this portion of the meeting, public comments are limited to the conditional use application. The regular public comments section relating to other agenda items will happen following the conclusion of this hearing. And then at the conclusion of the public comment section, I will end the hearing and then Council will later vote on the application during its regular meeting,"

A. Application Presentation – Mr. Luke Gindlesperger

Mr. Luke Gindlesperger and Mr. Roshan Patel were present to represent 987 Green Tree LLC.

Mr. Gindlesperger made the following statement:

"My name is Luke Gindlesperger with the H.F. Lenz Company representing 987 Green Tree LLC. 987 Green Tree is the franchisee for the proposed Jersey Mike's restaurant there at the intersection of Greentree Road and Leon Road. As the plan has shown and it was previously approved by Zoning, we have 11 parking stalls on the site. The amount of employees is going to be limited to about two at a time. Customers coming in and out; there is a fair amount of takeout, about half takeout and half dine-in at any given time. So the lot, ideally, is going to be running maybe eight stalls full at any given time. The hours of operation for this Jersey Mike's is 10:00 am until 9:00 pm. As far as the Conditional Use is concerned the restaurant is of course less than 3,000 square feet. It is a fast-food style restaurant, which we have about 1,200 square feet for the Jersey Mike's restaurant and about 700 square feet for office space, which again allowed our parking space count to come down a little bit. We were not

meeting the full parking count, but we did get that approved through Zoning, of course. And the building in and of itself is an existing building that is under 30 feet of height.”

At this time, Mr. Leyland opened the hearing up to Council for any questions.

Mayor Schenck stated that it was his understanding that Jersey Mike's had gone before the Zoning Hearing Board for both a parking variance and a sign variance. Mr. Gindlesperger confirmed that they received a parking variance for the number of stalls required. They also received a variance for a 30 square foot sign which is six square feet larger than the allowable size for that building.

Mayor Schenck asked for clarification regarding the ingress and egress. Mr. Gindlesperger explained that they received a Highway Occupancy Permit (HOP) from PennDOT to allow them to move the ingress and egress off Greentree Road and onto Leon Road. Mr. Gindlesperger had met with the Planning Commission previously and it had been recommended that they consider moving the ingress and egress on to Leon Road and cutting off the access directly onto Greentree Road. They were able to gain two additional parking spaces by eliminating the direct access to Greentree Road.

Mayor Schenck asked what the normal hours of operation would be. Mr. Patel stated that the hours of operation would be 10:00 am until 9:00 pm. Depending on the amount of prep work, an employee would be arriving between 7:00 am and 7:30 am. A second employee would arrive around 9:00 am. The employees would be expected to leave the building around 9:15 pm each night after closing the restaurant.

Mr. Rea asked for clarification regarding the number of employees working each shift. Mr. Patel said that it would depend on the volume, but typically they staffed four or five employees for lunch and three employees in the evening.

Mr. Rea stated that he used to live on Leon Road and is familiar with how treacherous it can be to make a left turn onto Greentree Road going southbound. He asked if PennDOT has raised these concerns when they approved the HOP. Mr. Gindlesperger stated that this concern was not brought to their attention when meeting with PennDOT. The only recommendation, which was not a requirement, they had been given by PennDOT was to consider moving the entrance as far back Leon Road away from the intersection as possible.

Mr. Rea asked if the four to five employees would be utilizing parking spaces in the parking lot. Mr. Gindlesperger stated that some employees may commute, but this was not a guarantee. Mr. Rea said that he had some concerns about parking with four or five employees taking up some of the 11 total parking spaces. He asked where customers would be expected to park once the parking lot fills up. Mr. Gindlesperger said that during the Zoning Hearing Board there was direction that there was a community parking lot in the near vicinity. Mr. Rea clarified that there is a parking lot across the street, but it is a privately owned lot. Council continued discussing the possible parking lot concerns, including the possibility of sharing parking with the business located next door. Mr. Gindlesperger said that he would need to speak with the owner of Jersey Mike's to determine if a discussion had occurred with the neighboring property regarding shared parking. Mr. Rea reiterated his concern that customers will not have anywhere to park when the restaurant is busy. Mr. Gindlesperger stated that he will discuss this issue with the owner, but that they had already gotten approval from the Zoning Hearing Board for the parking lot variance.

Mr. Romanovich asked if the garbage truck would hold up traffic on Leon Road when collecting garbage from the garbage enclosure. Mr. Gindlesperger clarified that he was informed that the garbage would be collected prior to the restaurant opening in the morning, so the garbage truck would be able to pull in to the parking lot without disrupting traffic on Leon Road.

Mr. Rea asked if vehicles would be able to turn around in the parking lot if all spaces were taken. Mr. Gindlesperger said that there are striped-off sections of the parking lot that will allow enough room for vehicles to turn around if they are unable to park in the lot.

B. Hearing of Citizens**Diane Coombs – 272 Ringold Avenue**

Ms. Coombs said that she hopes Council will work with this company and welcome this new opportunity in Green Tree. She stated that she had two concerns regarding the new property.

Ms. Coombs stated that she was wondering when garbage would be collected at this restaurant. She voiced her concern for residents living on Pocono Drive having to hear garbage trucks at 5:00 or 5:30 in the morning.

Ms. Coombs asked how bright the large signs would be at 9:00 pm when the restaurant closes. She has concerns about the residents on Leon Road being blinded late at night if the signs are still lit up and not dimmed.

Tom McMullen – 4 Leon Road

Mr. McMullen lives across from the proposed entrance on Leon Road. He stated that this was the first time he had seen the proposed plans and asked for Council to vote against using Leon Road instead of Greentree Road for ingress and egress.

Rose McMullen – 4 Leon Road

Ms. McMullen and her husband have lived at 4 Leon Road for 30 years, so they have seen the current property at 987 Greentree Road sit empty for the past seven years. She understands that the Borough wants to see new businesses. However, Ms. McMullen said that she is against bringing all traffic onto Leon Road. She is concerned that the increase in traffic without a light at the intersection will cause more accidents on Greentree Road as it is difficult for drivers to see over the crest of the hill.

Francis Soen – 8 Leon Road

Mr. Soen raised concerns regarding the lack of parking in the vicinity of the proposed Jersey Mike's. He stated that there is a building across from this property that has also had their parking requirements waived. Visitors to this business often park along Leon Road, taking up all the 2-hour parking spaces. Mr. Soen is concerned that there will be no space for overflow parking once this restaurant opens.

Mr. Soen said that often when trying to make a left turn at the intersection of Leon Road and Greentree Road, a car will be blocking his view. An increase in traffic on Leon Road will most likely intensify this situation. Additionally, the middle lane on Greentree Road changes direction depending on the time of day. People who are not used to the lane changes that are now turning off Leon Road onto Greentree Road may cause more problems.

Christine Short – 251 Parkedge Road

Ms. Short said she has been hearing a lot of residents concerned about parking requirements and reminded them that there is also a Starbucks on Greentree Road that has a small parking lot. During busy times, customers often have to park either on West Manilla Avenue and walk to Starbucks or at the Olive Garden that is located next door. Ms. Short stated that she understands all the concerns regarding the parking lot at the proposed Jersey Mike's but would like to see a new business occupy the vacant building.

C. Close Public Hearing

Mr. Leyland closed the public hearing portion of the meeting. He reminded attendees that Council will be rendering a decision later during the regular business meeting.

APPROVAL OF THE MINUTES**December 4, 2023****Motion:**

Mr. Romanovich made a motion, seconded by Ms. Barron, to approve the December 4, 2023 minutes as presented.

Motion carried unanimously.

HEARING OF THE CITIZENS**Diane Coombs – 272 Ringold Avenue**

- A.** Ms. Coombs thanked Council for the time they spend away from their families for the betterment of Green Tree Borough. She said their hard work is greatly appreciated.
- B.** While walking through the Borough, Ms. Coombs noticed that a lot of residents do not have house numbers on the outside of their house. If there is an accident or incident, it will be difficult for people to determine the location without a house number. There is a house on Greentree Road that has a big yard rock displaying the house number. This rock is only visible from one side of Greentree Road, so if you are facing the opposite direction, you are unable to see it.
- C.** Ms. Coombs stated that she believes garbage cans should be brought up from the curb before 9:00 pm on Wednesday evening following trash collection. She said that she will see garbage cans still out at the curb on Saturday morning, days after collection has taken place. Ms. Coombs said that the Borough should be reminding residents of this. It should not be the Public Works Department's responsibility to clean up garbage. If a garbage can gets knocked over, residents need to take pride in where they live and pick up the garbage.
- D.** Ms. Coombs said that she was recently out of town and went on the website to look at the recycling calendar, but the website said to "check the magnet." She said that residents do not always have access to the magnet and would appreciate being able to look at the calendar directly via the website or the new app. Mr. Rea said that he looked at the app and the calendar was available to view.
- E.** Ms. Coombs would like the Borough to remind residents to clean up after their dogs, and not to put dog waste bags in the sewer drains.
- F.** Ms. Coombs asked what happened to the weekly emails that used to be sent to residents. She said she does not always log on to Facebook and sometimes does not learn about an event until after it has ended.
- G.** Ms. Coombs noted that Scott Township has recently had controversy over their large tax rate increase and would like the Borough to ensure that this does not happen in Green Tree. She said that she understands that the garbage rates have gone up, along with healthcare costs for Borough employees. Ms. Coombs said she would rather see an 8% or 10% increase in taxes rather than the 53% increase that Scott Township had for 2024.
- H.** Ms. Coombs encouraged Council and the Mayor to start handling their issues behind closed doors rather than during Council meetings. She said that if the Mayor was upset about not being able to voice his opinion during a meeting, then he should step down as Mayor and join Borough Council. Ms. Coombs stated that members from other communities can watch these meetings via Zoom and it is embarrassing to see Council acting this way in public.

COMMUNITY SERVICE PRESENTATION**A. Resolution #1337
Honoring Rino Lindsey for 12 years of service****Motion:**

Mr. Tintori made a motion, seconded by Mr. Panza, to pass Resolution #1337, commending Rino Lindsey for his 12 years of service to the Borough of Green Tree.

Roll Call Vote:

Ms. Barron	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Ms. Schwartz	Yes
Mr. Turocy	Yes
Mr. Tintori	Yes

Motion carried unanimously.

NEW BUSINESS**A. Finance and General Policy – Mr. Turocy****1. Motion:**

Mr. Turocy made a motion, seconded by Mr. Romanovich, to ratify the actions of the Borough Manager in paying the December 2023 invoices from the General Fund totaling \$255,712.08; Storm Sewer Fund totaling \$4,742.17; Sanitary Sewer Fund totaling \$31,377.42; Capital Projects Funds totaling \$606,694.94; Bond Fund totaling \$7,050.00; Farmers Market totaling \$5,135.00; Payroll Account totaling \$216,298.13; Educational Service Agency totaling \$5,569.80; and Credit Card November 23 totaling \$4,352.44.

Motion carried unanimously.

2. Motion:

Mr. Turocy made a motion, seconded by Mr. Rea, to approve payment of the January 2024 invoices from the General Fund totaling \$122,898.36.

Motion carried unanimously.

B. Infrastructure – Mr. Romanovich**Contract Award – Fryer Excavating & Concrete for ADA Curb Ramps****Motion:**

Mr. Romanovich made a motion, seconded by Mr. Turocy, to award Fryer Excavating & Concrete with a Base Bid of \$21,777.49, Alternate Bid #1 for \$4,881.61 and Alternate Bid #2 for \$4,881.61 for Borough ADA Curb Ramps as recommended by LSSE dated December 19, 2023.

Motion carried unanimously.

C. Planning and Zoning – Mr. Rea

1. Appointment to the Zoning Hearing Board

Motion:

Mr. Rea made a motion, seconded by Mr. Turocy, to appoint Greg Thibeaux to fill the unexpired term on the Zoning Hearing Board with a term to expire on December 31, 2025.

Motion carried unanimously.

**2. Ordinance #1892
Updating Articles I & II of Chapter 282, Solid Waste**

Motion:

Mr. Rea made a motion, seconded by Mr. Romanovich, to pass Ordinance #1892, updating Articles I and II of Chapter 282 of the Borough’s Code of Ordinances to update requirements for the disposal of garbage and recycling in the Borough.

Ms. Schwartz voiced her concern regarding allowing garbage cans to be placed at the curb at 3:00pm. She stated that school is let out at 3:20pm, which means that kids would be forced to walk into the street to avoid these garbage cans while walking home from school. Ms. Schwartz said that she felt moving the time up to 3:00pm could cause a safety concern. Mayor Schenck asked if allowing garbage cans to be placed at the curb beginning at 4:00 pm would be reasonable. Mr. Rea stated that due to Ms. Schwartz’s reasoning he would agree to move the time to 4:00 pm.

Mr. Rea explained that the Planning Commission and the Borough Solicitor had reviewed the ordinance and had suggested the revision to accommodate the residents that worked the second shift. This earlier time would allow these residents to place their garbage cans at the curb prior to going to work so they would not have to do it late at night when they returned home.

Mr. Panza stated that he believed the standard second shift to be from 3:00 pm until 11:00 pm. Pushing the time up to 3:00 pm would not accommodate those residents as they would already be at work by that time. Mr. Panza said that changing the time to 4:00 pm instead of 3:00 pm would not have a negative effect on these residents.

Mr. Tintori noted that he believed the Borough did not need to fix something that was not really broken at this time.

Roll Call Vote:

Mr. Rea	Yes
Mr. Romanovich	Yes
Ms. Schwartz	No
Mr. Turocy	No
Ms. Barron	No
Mr. Panza	No
Mr. Tintori	No

Motion failed, 2-5.

Mr. Rea asked why Mr. Panza and Mr. Turocy had not brought these concerns to the Planning and Zoning committee when the ordinance was being discussed prior to tonight’s meeting. Mr. Panza explained that Ms. Schwartz had brought this new concern to his attention. After hearing her reasoning, Mr. Panza changed his mind on the revision to the ordinance.

Mr. Rea asked if he could make a new motion with an amendment to the ordinance, changing the time of placement from 3:00 pm to 4:00 pm. Mr. Leyland stated that he did not see an issue with calling for a vote on the amended ordinance.

Motion:

Mr. Rea made a motion, seconded by Mr. Panza, to pass Ordinance #1892, updating Articles I and II of Chapter 282 of the Borough's Code of Ordinances to update requirements for the disposal of garbage and recycling in the Borough with the following change:

- a) **Section 282-2 Time for placement should be amended to read, "No garbage, rubbish, or recycling shall be stored, permitted, or otherwise place at the curbside for collection earlier than 4:00pm on the evening preceding the scheduled collection day."**

Roll Call Vote:

Mr. Rea	Yes
Mr. Romanovich	Yes
Ms. Schwartz	Yes
Mr. Turocy	Yes
Ms. Barron	No
Mr. Panza	Yes
Mr. Tintori	No

Motion carried, 5-2.

3. CU-01-2023 – Jersey Mike's Sub Shop

Motion:

Mr. Rea made a motion, seconded by Ms. Barron, to approve the conditional use application for CU-01-2023 for applicant, Jersey Mike's Sub Shop, to open a "restaurant, fast food, ≤3,000 SF" within a Neighborhood Commercial Zoning District at 987 Greentree Road.

Mr. Leyland made the following statement:

"Just as a clarification from the legal side because I know we have some new members and I also know that Conditional Use hearings do not happen every month. As I stated during the initial hearing, and I would just like to reiterate, Conditional Use is a permitted use if the applicant can demonstrate that there is compliance with the conditions listed in the Zoning Ordinance. With respect to the application that was received. The Ordinance had issue, as I said during the hearing, in Section 420-103, which means that so long as the applicant could prove compliance with those two conditions, the first of which being with respect to hours of operation, and the second of which being with respect to the height of the building, then the applicant is entitled by law to approval of the Conditional Use. I know there are other concerns. But again, I am just reminding everyone the scope of what the law says with respect to Conditional Uses, even if other decisions were made by other boards at other hearings that may not be agreed upon by some."

Mr. Rea asked for clarification on what exactly Council was voting on at tonight's meeting. Mr. Leyland explained that Council would be voting on whether to approve the Conditional Use for the Jersey Mike's based off the testimony provided during the hearing on whether the conditions listed under Section 420-103 were met by the applicant. The conditions in question are the height of the building and hours of operation.

Mr. Turocy stated that the Zoning Hearing Board had already approved variances for the decrease in parking spaces and the larger sign. Mr. Rea asked if it was too late for Council to appeal the

decision made by the Zoning Hearing Board. Mr. Leyland said that, to his knowledge, it was too late for Council to appeal these decisions.

Motion carried 6-0-1, with an abstention from Mr. Rea.

Mr. Rea said that this was a good opportunity for both Council and the residents of the Borough to recognize the importance of attending Borough meetings, including Zoning Hearing Board meetings and Planning Commission meetings.

Mr. Rea asked if the Borough had any recourse on the decision made by PennDOT to allow for the ingress and egress of this restaurant to be moved from Greentree Road to Leon Road. Mr. Leyland explained that this was ultimately a decision that was left for PennDOT to make. A request could presumably have been made by the Borough during the underlying hearings when there was more feedback with the applicants, but at this time the vote by Council is limited to whether the applicant is in compliance with the conditions listed for the Conditional Use.

MAYOR'S REPORT

- A. Mayor Schenck will be holding Mayor's Office Hours on Saturday, January 13 from 9:00 am until 11:30 am. Any resident with a concern or compliment is invited to speak with the Mayor at this time.
- B. A meeting of Allegheny County mayors will be held at the Oakmont Library on January 18. Mayor Schenck will be attending this meeting.
- C. The Civil Service Commission has oral exams scheduled on January 16. This should be the last step before certifying three candidates for Council to vote on hiring.
- D. Mayor Schenck read a letter that he had written to Officer Bacci and Officer Gavlik regarding an incident they responded to on Friday, December 22. The officers responded to a report of a person being shot and administered first aid to the victim despite being in an unsecured area during an active and dangerous situation. Mayor Schenck thanked Officer Bacci and Officer Gavlik on behalf of himself and Borough Council for the way they handled this challenging, dangerous, and unfortunate incident.
- E. The Borough's contract with Waste Management expires on December 31, 2027. Mayor Schenck stated that Council might want to reconsider re-establishing a Waste Management Fund to help offset some of the costs that will be associated with a new contract come 2028.
- F. Mayor Schenck noted that the Borough has invested the bond proceeds from the bond they have received for the Wilson Park swimming pool and the Trumbull Drive Bridge project.
- G. In the month of December, the Green Tree Police Department responded to five mental health calls and five domestic calls.
- H. Mayor Schenck was hiking in the Nature Center with his grandson over the Holiday season. He noted that the trails are well-marked with different colors for each trail.
- I. The Borough mailed out new reusable magnets with the 2024 recycling calendar. In the past, the recycling calendar magnet was not recyclable. Moving forward, the calendar is recyclable, and residents will reuse the magnet each year.
- J. Mayor Schenck thanked Mr. Rino Lindsey for the hard work he did for the Borough during his time on Council.
- K. Mayor Schenck stated that there is a misconception that the Mayor must join Council to be allowed to speak during the meetings. This is a misunderstanding of State and Case laws. The Mayor is allowed

to speak about anything and everything. Mayor Schenck said that if he attempts to resolve something with Council privately and is ignored then he will speak about it in public. He does not like to speak negatively in public, but he will if it needs to happen.

- L. Mayor Schenck stated that he looks forward to working with Mr. Tintori as President, along with the rest of Council.

COMMITTEE CHAIR REPORTS

A. Finance and General Policy – Mr. Turocy

- 1. Mr. Turocy had nothing to report at this time.

B. Infrastructure – Mr. Romanovich

- 1. Mr. Romanovich had nothing to report at this time.

C. Planning and Zoning – Ms. Schwartz

- 1. Ms. Schwartz stated that she is looking forward to learning under the tutelage of Mr. Rea, the former chair of the Planning and Zoning Committee.

D. Public Facilities and Equipment – Ms. Barron

- 1. Ms. Barron will be meeting with the other members of the Public Facilities and Equipment committee in the next few weeks.

E. Public Safety/Public Safety Equipment – Mr. Rea

- 1. Mr. Rea said that he is looking forward to working with the Green Tree Volunteer Fire Company as the new chair of the Public Safety/Public Safety Equipment committee.

F. Recreation Programming and Community Welfare – Mr. Panza

- 1. Mr. Panza noted that the parking lot of the Municipal Building was crowded tonight due to the first night of the Winter Recreation Program which seems to be getting a good turnout.
- 2. Green Tree Borough's annual Snowman Contest will run through Friday, March 15. Mr. Panza said that residents can import snow to build a snowman if necessary to enter the contest, as long as the snowman is built in the Borough.
- 3. A volunteer opportunity will be opening in March for the Recreation Board.
- 4. Mr. Panza met with the Recreation Board regarding the future of the Farmers Market. The Borough is in desperate need of volunteers to help with the set-up and tear-down each Thursday during the season.
- 5. Council still needs to appoint a representative and an alternate for Char-West Council of Governments. Mr. Tintori said that he is looking for volunteers.
- 6. Mr. Panza was recently approached by a representative of the South Hills Council of Governments (SHACOG) and was asked if Green Tree would be interested in officially rejoining. He noted that the Borough utilizes SHACOG for resources, so it might be worthwhile to consider rejoining. Mr. Tintori said that Council can discuss this suggestion and get more insight on what SHACOG offers.

PRESIDENT'S REPORT – Mr. Tintori

- A. Mr. Tintori thanked the Public Works Department for their work after the first snowfall of the season.
- B. Mr. Tintori stated that with a new year and a new Council, there is a lot of enthusiasm for the future. He is anticipating that Council will be able to continue to do what is needed to put Green Tree first.

MANAGER'S REPORT – Ms. Miller

A. The Borough has a new app, Green Tree Connect, where residents can sign up to receive Borough news and events. Residents will be able to customize their notifications and choose whether they want to receive notifications regarding meetings, events, or just emergency alerts. If a resident does not want to download an app on their phone, they are also able to sign up to receive these notifications via email. Mr. Rea asked if alerts are currently going out to residents. Ms. Miller said that the app had just been launched and an alert had not been sent out yet, but to be expecting them to start going out later in the week.

ADJOURNMENT

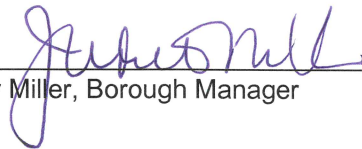
Motion:

Mr. Panza made a motion, seconded by Ms. Schwartz, to adjourn the meeting at 8:46 pm.

Motion carried unanimously.



Arthur Tintori, President



Judy Miller, Borough Manager