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SCRANTON CITY COUNCIL MEETING

PUBLIC HEARING

IN RE: HEARING PURSUANT TO THE MUNICIPALITIES PLANNING CODE 53 P.A. 10609(b) ON THE REQUEST OF THE MINOOKA NEIGHBORHOOD ASSOCIATION TO AMEND FILE OF COUNCIL NO. 74 OF 1993, AS AMENDED, ENTITLED CITY OF SCRANTON ZONING MAP, FOR A ZONING CHANGE FROM CN (NEIGHBORHOOD COMMERCIAL) TO R-1A (MEDIUM LOW DENSITY RESIDENTIAL) FOR A PARCEL OF LAND BOUNDED BY THE 200 BLOCK OF MCCARTHY STREET TO THE NORTHWEST, THE PROJECTION OF THE 200 BLOCK OF MCDONOUGH STREET TO THE NORTHEAST AND THE PROJECTION OF THE 3000 BLOCK OF GREG COURT TO THE SOUTHEAST AND AN AREA THAT EXTENDS NORTHWEST ALONG THE 100 BLOCK OF DAVIS STREET FROM MCCARTHY STREET TO JONES STREET 150 FEET ON EACH SIDE OF DAVIS STREET AND EXTENDING APPROXIMATELY 125 FEET NORTHWEST BEYOND JONES STREET."

HELD:

Tuesday, June 7, 2011

LOCATION:

Council Chambers

Scranton City Hall

340 North Washington Avenue

Scranton, Pennsylvania

CATHENE S. NARDOZZI- COURT REPORTER

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CITY OF SCRANTON COUNCIL:

JANET EVANS, PRESIDENT

PAT ROGAN, VICE-PRESIDENT

ROBERT MCGOFF

FRANK JOYCE

JOHN LOSCOMBE

NANCY KRAKE, CITY CLERK

CATHY CARRERA, ASSISTANT CITY CLERK

BOYD HUGHES, SOLICITOR

I N D E X

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APPLICANT'S WITNESSES

JOHN FINNERTY . . . . . P. 8

HOLLY MCCOOL. . . . . P. 27

DEVELOPER'S WITNESSES

GLENN WORGAN. . . . . P. 30

CITY COUNCIL EXHIBITS

MARKED

1 Public Notice 5

2 Notice to Times 6

3 Property posting 6

4 Notice to CPC 7

5 Notice to LCRPC 7

6 Letter of CPC 8

7 Letter or LCRPC 8

8 Notice 8

APPLICANT'S EXHIBITS

MARKED

1 Comprehensive plan 16

2 Petition 18

3 Map

DEVELOPER'S EXHIBITS

MARKED

1 Title 31

2 Proposal 34

3 Traffic Study 36

1 MS. EVAN: I'd like to call this  
2 public meeting to order. Tonight, June 7,  
3 2011, at 6:00 p.m., Council Chambers of the  
4 City of Scranton, is the time and place  
5 scheduled for a hearing pursuant to the  
6 municipalities planning code 53 p.a.  
7 10609(b) on the request of the Minooka  
8 Neighborhood Association to amend File of  
9 Council No. 74 of 1993, as amended, entitled  
10 City of Scranton zoning map, for a zoning  
11 change from CN (neighborhood commercial) to  
12 R-1a (medium low density residential) for a  
13 parcel of land bounded by the 200 block of  
14 Mccarthy street to the northwest, the  
15 projection of the 200 block of McDonough  
16 street to the northeast and the projection  
17 of the 3000 block of Greg Court to the  
18 southeast and an area that extends northwest  
19 along the 100 block of Davis Street from  
20 Mccarthy Street to Jones Street 150 feet on  
21 each side of Davis Street and extending  
22 approximately 125 feet northwest beyond  
23 Jones Street.

24 Roll call, please.

25 MS. CARRERA: Mr. McGoff.

1 MR. MCGOFF: Here.

2 MS. CARRERA: Mr. Rogan.

3 MR. ROGAN: Here.

4 MS. CARRERA: Mr. Loscombe.

5 MR. LOSCOMBE: Here.

6 MS. CARRERA: Mr. Joyce. Mrs.

7 Evans.

8 MS. EVANS: Here. Council is ready  
9 to proceed. Attorney Hughes will conduct  
10 the hearing.

11 MR. HUGHES: Thank you, Madam  
12 President. There was a sign-in sheet for  
13 anyone who wishes to speak tonight, there is  
14 only two names on it, John Finnerty and  
15 Holly McCool. Does anybody else wish to  
16 address council tonight on this?

17 What I would like to do is I have a  
18 series of exhibits here that will go in to  
19 show that the proper procedures were filed  
20 in accordance with the Municipal Planning  
21 Code. First, in accordance with Section 10,  
22 609 (b) of the MCP, public notice of  
23 tonight's public hearing was advertised in  
24 the Scranton Times-Tribune on May 9, 2011,  
25 and May 16, 2011. I'd like those marked as

1 Exhibits 1 and 2. Also, attached is the  
2 notice that was sent by the City Clerk to  
3 the Times to have these advertisements for  
4 tonight's meeting.

5 In accordance with Section 10609 (b)  
6 of the Municipalities Planning Code, since  
7 the request involves a zoning map change, a  
8 notice of the public hearing was  
9 conspicuously posted on the property on May  
10 31, 2011, which is one week prior to the  
11 hearing by Michael Wallace, zoning officer,  
12 Licensing, Inspections and Permits.  
13 Mr. Wallace's affidavit of posting is  
14 submitted as Exhibit 3. It was placed at 16  
15 areas around the property and this is the  
16 notice, so I have his affidavit along with  
17 the posting.

18 And in accordance with Section 10609  
19 (c) of the MCP, a letter of recommendation  
20 is received from the City Planning  
21 Commission on May 24, 2011, recommending  
22 approval of the zoning change which is  
23 submitted as Exhibit -- I'm sorry, I'm going  
24 to step ahead of myself. Submission of the  
25 zoning change was submitted to the City

1 Planning Commission and the Lackawanna  
2 County Regional Planning Commission on May  
3 5, 2011, which was 30 days prior to the  
4 hearing for recommendation of each Planning  
5 Commission. Submitted as Exhibit 4 is the  
6 notice to the City Planning Commission and  
7 Exhibit 5 is notice to the Lackawanna County  
8 Regional Planning Commission.

9 In accordance with Section 10609 (e)  
10 of the MCP, a letter of recommendation was  
11 received from the City Planning Commission  
12 on May 24, 2011, recommending approval of  
13 the zoning change which is submitted as  
14 Exhibit 6.

15 And in accordance with Section 10609  
16 (f) of the MCP, a letter from the Lackawanna  
17 County Regional Planning Commission dated  
18 May 16, 2011, recommended denial of the  
19 zoning change as submitted as Exhibit 7.

20 In accordance with the City of  
21 Scranton Zoning Ordinance Section 108 (g) is  
22 a letter of the applicant, Minooka  
23 Neighborhood Association that written notice  
24 of the proposed change was submitted to the  
25 list provided by the zoning officer, Michael

1 Wallace, all of which were sent certified  
2 and return receipt requested. This is  
3 attached as Exhibit 8. Mr. Finnerty's  
4 letter, the notice of the hearing, the  
5 letter from the Minooka Neighborhood  
6 Association to each person. There were 61  
7 people that this letter went to. They are  
8 all attached as a five-page, Exhibit 8.

9 Since this is a hearing, anyone who  
10 is going to testify will be sworn in and  
11 will speak from the table over there, and I  
12 believe the first speaker would be Attorney  
13 John Finnerty of the Minooka Neighborhood  
14 Association. The Minooka Neighborhood  
15 Association has the burden of proof to prove  
16 their case for the requested zoning change  
17 in accordance with Section 108 of the City  
18 of Scranton zoning ordinance.

19 MS. EVANS: Before you begin, let  
20 the record show, please, that Councilman  
21 Joyce is now present.

22 MR. FINNERTY: Good evening, Council.

23 (J O H N F I N N E R T Y, having  
24 been called as a witness and being duly  
25 sworn, was examined and testified as



1 follows:)

2 MR. FINNERTY: Good evening,  
3 Council. My name is John Finnerty. I'm  
4 here on behalf of the Minooka Neighborhood  
5 Association. I am the Association's  
6 president and I want to begin by thanking  
7 you for scheduling this meeting at our  
8 request. The Neighborhood Association began  
9 looking into this change about two and a  
10 half months ago and since that time the  
11 community has really come together and  
12 unified to get behind this proposed change.

13 Once the community became aware that  
14 this property was actually zoned as  
15 commercial instead of residential, the area  
16 was really up in arms, everybody really  
17 assumed that this was residential because  
18 everything that surrounds this area is  
19 residential, so that's why we are here.

20 I'd like to begin by just going  
21 through the city's zoning ordinance and  
22 addressing each of the requirements one by  
23 one for the zoning ordinance change. I'm  
24 referring to Section 108 (e), which is  
25 titled "Application for Ordinance Amendment"

1 and there are seven items listed there.

2 The first item is, "The applicant  
3 shall provide a statement of why the change  
4 would be in the best interest of the city."

5 Well, this is very simple, very  
6 clear, and I alluded to it earlier, all of  
7 the property around the subject property is  
8 currently zoned R-1A. Not only is it zoned  
9 R-1A, but it's all residential single family  
10 homes. Most of these homes have been there  
11 for years and years and years. This is not  
12 a commercial area, it's a residential  
13 neighborhood so why -- you know, why  
14 shouldn't we keep it residential? Why  
15 shouldn't we locate commercial-type  
16 businesses next to it? Well, that's the  
17 whole reason we have a zoning ordinance.  
18 That's the whole reason why the city is  
19 taking steps to pass the ordinance to define  
20 where certain uses can be located. You  
21 don't want businesses clustered around  
22 residents. You don't want residents  
23 clustered around businesses.

24 You can see there is -- we've got a  
25 packed house here tonight, people who are

1 concerned about what they have invested in  
2 their neighborhood. Many people have been  
3 there for generation after generation after  
4 generation, their families have been there.  
5 They want to preserve this area and opening  
6 it up to a commercial business district is  
7 not going to do that, it's going to create  
8 all kinds of problems. It's going to create  
9 traffic issues. It's going to create issues  
10 with safety. It's going to create issues  
11 with crime. Single family residents will  
12 avoid all of that if we can change it back  
13 to what it was, what it always was.

14 If I could just take a moment, I  
15 don't want to belabor the point too much,  
16 but I want to refer to the ordinance and  
17 just apprise council as to what some of the  
18 uses are that are permitted in a commercial  
19 neighborhood zone, as I said, not conducive  
20 to residential. Crop farming. Commercial  
21 forestry. Composting. Lowrise/midrise  
22 apartment buildings. Conversion of the  
23 buildings into additional number of  
24 dwellings units. Two apartment dwelling  
25 units per lot. Group homes. Amusement

1           arcades. Auto service stations. Bakeries.  
2           Bed and breakfast use. Beverage  
3           distributor. Business services. Car  
4           washes. Commercial indoor recreation such  
5           as bowling allies. Roller and ice skating.  
6           Batting practice. Indoor miniature golf.  
7           Conference center. Construction company  
8           headquarters. Storage. Convenience store.  
9           Craft or artisan studio. Exercise club.  
10          Financial institution. Flea market, indoor  
11          and outdoor. Funeral home. Golf course.  
12          Medical and dental offices. Motel. Hotel.  
13          Personal services. Tailors. Dressmaker.  
14          Pharmacies. Nurseries. Restaurants.  
15          Retail stores. Shopping centers.  
16          Television stations. Theaters. Trade  
17          schools. Veterinarian offices. Wholesale  
18          building supply. Textile apparel sales.  
19          Ceramic products. Electrical. Food  
20          products. Furniture and wood products.  
21          Scientific, electronic, other precision  
22          instruments, I suppose that's a laboratory.  
23          A recycling collection center. A research  
24          engineering and testing facility or  
25          laboratory. Warehousing. Cultural center.

1 Museum. Daycare Center. Nursing home.  
2 School.

3 There is a few others, but you get  
4 the point. These are certainly not the type  
5 of things that you find generally in a  
6 residential district, which is what this is.  
7 You know, I was talking to one of my  
8 neighbors the other day and somebody who  
9 recently built a house close by in this area  
10 and he said to me, "You know, I have  
11 invested a lot of time and more importantly  
12 a lot of money into my property, basically  
13 everything I make I put into my property to  
14 make it nice. I like the neighborhood, I'd  
15 like to stay here, but to be quite honest  
16 with you if some of those businesses," which  
17 I just referenced, he asked me what type of  
18 uses were permitted and so I went through  
19 the ordinance with him, he said, "If some of  
20 those things were to locate here, I'd want  
21 to sell my property. I'd want to get out of  
22 here. I don't want to live next to this."

23 I said, "I don't blame you."

24 He said, "Yeah, the problem is I'd  
25 never get my investment back out of my

1 property because who else would want to live  
2 next to those things?"

3 And it's a good point, and I'd just  
4 like to say, you know, the residents of  
5 Minooka are not adverse to development at  
6 all. That's not the case. We are asking  
7 that this be rezoned an R-1A district, which  
8 is residential and, you know, if somebody  
9 wants to purchase that property and come in  
10 and develop it for single family homes,  
11 wonderful. You won't see one person here in  
12 council chambers to object to that, I  
13 guarantee it.

14 There is other development that's  
15 going on in Minooka right now, you are  
16 probably aware of it, I'm not sure if it's  
17 come before council yet, but I was in front  
18 of the Planning Commission or I was at their  
19 meeting about two weeks ago where they were  
20 discussing this issue, and another  
21 development came up at that meeting and it's  
22 a proposal for a Penn Security Bank building  
23 on an empty lot on Birney Avenue. Well,  
24 there wasn't one resident in Minooka here to  
25 complain. It's a commercial district. No

1           one has a problem with development, it's  
2           just a matter of where you put it. You  
3           know, people up on Birney Avenue, Pittston  
4           Avenue, they know that's a commercial area  
5           so they are not going to complain, but down  
6           here on Davis Street and the surrounding  
7           areas it's been residential forever, we want  
8           to keep it residential.

9                        Next item on the ordinance, which  
10           I'll address, it's number two under 108 (e),  
11           "Statement of how the proposal will relate  
12           to the city's comprehensive plan."

13                       I just have a couple of excerpts  
14           from the city's comprehensive plan that I  
15           would like to share with you. I'd like this  
16           introduced into the record as an exhibit, if  
17           I could do that. Under page 9, I guess this  
18           is like an introduction to the City of  
19           Scranton 1993 comprehensive plan, the first  
20           item reads, in bold, and this is an  
21           objective, "Maintain and improve the  
22           integrity of strong owner-occupied  
23           neighborhoods."

24                       That's exactly what we are talking  
25           about here. It goes onto say, "The city

1 needs to provide residents with a sense of  
2 security that incompatible land uses will  
3 not be permitted in their neighborhood.  
4 Protecting neighborhoods requires active  
5 zoning and code enforcement."

6 MR. HUGHES: If I could,  
7 Mr. Finnerty, we'll mark that as Exhibit  
8 A-1, if you could please give it to Mrs.  
9 Nardozzi.

10 MR. FINNERTY: Certainly.

11 MR. HUGHES: When you are done.  
12 That will be Applicant A-1. If the  
13 developer has any exhibits, they will be  
14 marked as "D".

15 MR. FINNERTY: Do you want to see  
16 that, Attorney Hughes?

17 MR. HUGHES: No, that's okay. I'm  
18 familiar with it, not that exhibit, but with  
19 the entire code.

20 MR. FINNERTY: Thank you.  
21 Continuing on that same page from 1993,  
22 comprehensive plan, again, in bold it says,  
23 and again this is an objective of the plan,  
24 "Encourage new quality residential  
25 developments especially near existing



1           desirable neighborhoods. I submit to you  
2           that this section of Minooka that we are  
3           talking about is not only a residential  
4           development, but it's an existing desirable  
5           neighborhood, so it's certainly one that we  
6           want to preserve and we want to encourage  
7           additional single family residential  
8           development there.

9                         And the last section of the plan  
10           that I want to refer council to, council  
11           from page 113, and it's titled, "Subplanning  
12           area" and that area includes Minooka, South  
13           Scranton neighborhoods and Montage, and it  
14           reads: "Like most areas of the city,  
15           critical issues in Minooka and South  
16           Scranton involve: (A), a desire to have  
17           single family detached houses built next to  
18           existing single family houses."

19                         So I think those provisions which I  
20           have just read to council certainly address  
21           the requirement of the ordinance number two  
22           in terms of the how our proposal relates to  
23           the city's comprehensive plan. We are  
24           asking council to do exactly what the plan  
25           says, maintain existing, desirable,

1 residential neighborhoods.

2 The next item in the ordinance is  
3 number three. It says, "A statement  
4 addressing any adverse affects on adjacent  
5 residences."

6 Now, I sent out I believe it was  
7 about 60 certified letters the end of May  
8 pursuant to the zoning ordinance. Everybody  
9 that's an adjacent property owner and  
10 everyone that owns property within the  
11 district sought to be rezoned has notice of  
12 this meeting. I'm going to go out on a limb  
13 here. I'm going to say you are not going to  
14 hear from one resident here tonight that  
15 objects to this change. Not one. Not one  
16 resident. No one that lives in this area  
17 objects.

18 I'm going to one step further and  
19 I'd like to submit to council petitions that  
20 are our organization submitted regarding the  
21 proposed ordinance. Attorney Hughes, what  
22 exhibit number would be --

23 MR. HUGHES: That would be A-2.

24 MR. FINNERTY: I'd like to submit  
25 into the record this group of petitions, and

1 I'll represent to council that there is 522  
2 signatures contained on these petitions.  
3 I'll further represent that every person  
4 that circulated these petitions I personally  
5 talked to and each one of them advised me  
6 that not one person refused to sign. And  
7 I'm not sure how many --

8 MR. HUGHES: Mr. Finnerty, is that  
9 the original or is that a copy?

10 MR. FINNERTY: This is a copy, sir.

11 MR. HUGHES: Okay, but you do have  
12 the originals?

13 MR. FINNERTY: I do have the  
14 original.

15 MR. HUGHES: And you will verify  
16 that that is a true and exact copy of the  
17 original?

18 MR. FINNERTY: Absolutely.

19 MR. HUGHES: Okay, you keep the  
20 original in case you need it later on.

21 MR. FINNERTY: That's a copy. Thank  
22 you.

23 MR. HUGHES: Thank you.

24 MR. FINNERTY: There is not one  
25 resident that objects to this. Everybody is

1 in favor. I'm saying I'm not sure how many  
2 residents there are in Minooka, but 522 I'm  
3 sure is certainly more than the majority and  
4 it's probably I would say 75 percent, maybe  
5 80 percent of the residents that surround  
6 this property.

7 So that combined with what you see  
8 here tonight it's certainly overwhelming  
9 evidence that the community is in favor of  
10 this proposal, and I can't think of one  
11 adverse effect that the proposal would have.  
12 Again, we are not asking council to forbid  
13 any property owner from developing this  
14 property. We are simply asking that it be  
15 developed to be conducive with the  
16 surrounding area which is single family  
17 residential.

18 The next item on the list per the  
19 ordinance is number five, No. 108 (e) and  
20 it's a requirement that we provide a map  
21 that shows the boundaries of the proposed  
22 zoning change, and I did submit that in the  
23 proposed ordinance and I believe that's been  
24 marked and it's in the record.

25 MR. HUGHES: We'll make that -- that

1 was submitted as your Exhibit A, we'll make  
2 that as Exhibit 3, and kind of leapfrog over  
3 number four.

4 MR. FINNERTY: I'll address that.  
5 Thank you.

6 MR. HUGHES: Thank you. It will be  
7 A-3.

8 MR. FINNERTY: Number four was a  
9 requirement that we provide a statement  
10 addressing any major traffic access or  
11 congestion concerns. Well, certainly if  
12 this area is rezoned to be single family  
13 residential that's going to cause much less  
14 traffic than if there is a business located  
15 there, and I'm not going to rehash all of  
16 those business uses that I previously did,  
17 I'm sure you are well aware of potential  
18 uses of the property could be developed for  
19 and certainly most, if not all, of those  
20 types of developed properties would create  
21 more traffic than single family residential  
22 development, I think that's a given.

23 And I would have one other thing on  
24 that issue, Davis Street right now is -- I  
25 don't know how often any of you travel that

1 area, but it's heavily congested. It's  
2 heavily congested, cars fly up and down that  
3 street, we have crosswalks right up the  
4 street from where this property is located  
5 in front of the Divine Mercy Parish Church  
6 and I have heard from several people who try  
7 to cross that street that they almost got  
8 hit by cars there. I personally almost got  
9 hit by a car there with my children.

10 Even with the crosswalks, even with  
11 the yellow zones out there, people run those  
12 over, so adding any business activity down  
13 on lower Davis Street where this area is  
14 located is certainly going to make that ten  
15 times worse and I don't know see the state  
16 doing anything to address that.

17 I think this is avenue for the city  
18 to try to control traffic on Davis Street  
19 from getting any worse. So again, I think  
20 that the traffic congestion concerns that  
21 were given if this area is changed to  
22 residential that's going to at least  
23 maintain status quo and not make it any  
24 worse.

25 I already covered number five, which

1 is the map, that's been marked as an  
2 exhibit. No. 6 requires a statement  
3 explaining proposed extensions and major  
4 improvements in need of public water,  
5 sanitary sewer, storm water management  
6 systems to serve the landowner. Well, none  
7 of that is needed at this time, there is no  
8 development on the table right now, if and  
9 when someone comes forward with a  
10 development plan that's something that they  
11 can address. Changing the zoning from a CN  
12 to an R-1A is not going to require any type  
13 of public utility system to be changed at  
14 this point.

15 Just for reference, I probably  
16 should have mentioned this earlier, the  
17 property in question is -- there is an  
18 11-acre parcel which is entirely  
19 undeveloped, I believe that's in the 200  
20 block of Davis Street on the right-hand side  
21 if you're going down towards Taylor. The  
22 other part of it is the 100 block of Davis  
23 Street which extends on both sides, the left  
24 and the right as you are heading towards  
25 Taylor. The 100 block of Davis Street is

1           currently developed. There is houses there.  
2           The 200 block of Davis Street on the  
3           right-hand as you are going towards Taylor,  
4           again, that's totally undeveloped and that's  
5           just a wooded area right now. But if  
6           somebody wanted to purchase the 11-acre  
7           parcel, if they wanted to subdivide that,  
8           then that's something that they would have  
9           to address at that point certainly whether  
10          the change is made or not. Any development  
11          that would go in there would have to address  
12          the public utility storm water management  
13          type of things.

14                        The last requirement of the  
15          ordinance is number seven, under 108 (e),  
16          and it's just looking for a list of the  
17          abutting adjacent property owners and that's  
18          for purposes of giving the notice of the  
19          public meeting, which was completed and we  
20          have that documentation in the record and  
21          I'm here to testify and attest personally  
22          tonight that that was done by me, so all of  
23          that was completed.

24                        MR. HUGHES: Let the record note  
25          that's Exhibit 8 that I submitted which was



1 Mr. Finnerty's statement along with the list  
2 of the 61 people that he sent certified  
3 letters to.

4 MR. FINNERTY: Now, all that being  
5 said, I have covered everything in the  
6 ordinance that's required from one to step  
7 seven. I'm asking council tonight to vote  
8 on this proposed amendment on behalf of the  
9 Minooka Neighborhood Association. Again,  
10 the people here tonight, the people that  
11 have signed those petitions, they have a  
12 vested interest in their properties back  
13 there. They are just asking council to  
14 protect that interest. That's all they are  
15 asking to do. They are really not asking  
16 for anything else.

17 You know, you can look around the  
18 city and there is lot of areas of the city  
19 that are in trouble right now, lower South  
20 Side, for example. We don't have those  
21 problems back in Minooka, and I notice the  
22 city is working towards trying to make some  
23 improvements down there and clean up those  
24 areas. We don't have to do that in Minooka.  
25 But I'll tell you what, if this isn't

1 changed who knows what's going to go in  
2 there, and then we are back peddling. Then  
3 we've got to worry about what's happening to  
4 the neighborhood, you know, five, ten years  
5 down the road. Everybody is leaving, we  
6 start carving the houses up into apartments.  
7 You know, that hasn't happened in Minooka  
8 and it won't as long as we keep it  
9 residential.

10 People want to live there. The city  
11 has a problem with people moving outside of  
12 the city they don't want to live there.  
13 This one area where people still do want to  
14 live and that's why they want to live  
15 because it is single residential families.

16 So I humbly ask council to vote  
17 tonight to approve this proposed amendment  
18 on behalf of our organization, on behalf of  
19 these people, on behalf of everyone that  
20 signed these petitions. Thank you.

21 MS. EVANS: Thank you.

22 MR. LOSCOMBE: Thank you.

23 MR. HUGHES: If I could,

24 Mr. Finnerty, the developer is here,

25 Mr. Worgan, who does not have counsel, do

1           you have any questions of Mr. Finnerty at  
2           this time?

3                   MR. WORGAN: I think I'm just going  
4           to wait and make my statement after  
5           Mr. Finnerty and not ask him any questions  
6           at this time.

7                   MR. HUGHES: Okay. Thank you very  
8           much. Thank you, Mr. Finnerty. The next  
9           speaker is Holly McCool.

10                   (H O L L Y M C C O O L, having been  
11           called as a witness and being duly sworn,  
12           was examined and testified as follows:)

13                   MR. HUGHES: Will you state your  
14           address for the record and where you live  
15           towards the area that's proposed to be  
16           rezoned?

17                   MS. MCCOOL: I will, Attorney  
18           Hughes. Our address is 3041 McCarthy  
19           Street, which is the corner of Davis and  
20           McCarthy. Our property to the rear is  
21           bordered by the proposed rezoning of this  
22           space and to the side of the proposed  
23           rezoning of the space, so we are essentially  
24           -- it is behind us, it's alongside of us, we  
25           are the only house on the corner there.

1 MR. HUGHES: If I could just ask you  
2 one question?

3 MS. MCCOOL: Absolutely.

4 MR. HUGHES: You've heard  
5 Mr. Finnerty give a presentation tonight, do  
6 you have anything to add or would your  
7 testimony be repetitive?

8 MS. MCCOOL: My testimony would be  
9 repetitive, Attorney Hughes. All I can add  
10 to --

11 MR. HUGHES: Take your time.

12 MS. MCCOOL: So all I can add --

13 MR. HUGHES: But do you agree with  
14 everything that Mr. Finnerty said?

15 MR. MCCOOL: I agree with everything  
16 Mr. Finnerty said. I would like to thank  
17 council for expediting this and holding this  
18 hearing this evening for us.

19 MR. HUGHES: And if you can add any  
20 new comments that Mr. Finnerty did not make  
21 that would effect your property or why you  
22 would wish it rezoned.

23 MS. MCCOOL: This property should be  
24 rezoned for exactly what Mr. Finnerty spoke  
25 of. We were unaware that this was a

1 commercial property behind us. We thought  
2 it was residential and had hoped that single  
3 family homes would be built there as have  
4 been built at the end of Pennman Street very  
5 recently, we thought this would probably  
6 turn into something like Tripp's Park. We  
7 never -- I never realized, I never paid  
8 attention to the realty sign. We are very  
9 surprised when we were contacted,  
10 immediately became involved with  
11 Mr. Finnerty to have this rezoned. I would  
12 hate to see this not be residential. I  
13 would hope that council will change this  
14 from a CN-1 to an R-1A.

15 We enjoy where we live, it's a great  
16 neighborhood. It's difficult to get into  
17 Minooka. Not anyone can live there. It's  
18 very tight. As Mr. Finnerty said,  
19 generations live there. It's very safe.  
20 Neighborhoods.com lists Minooka, the Minooka  
21 section of Scranton as the best place to  
22 live in Scranton right now. It's safe. Our  
23 kids are safe. They play basketball on the  
24 street. We know our neighbors. We can walk  
25 the dog, and I can go on and on and on. I

1 don't want to take your time because I know  
2 there are other people here that have other  
3 items for council this evening. I want to  
4 thank you and hope that this can be changed  
5 for us.

6 MR. HUGHES: Thank you, Ms. McCool.  
7 If there are no speakers that are signed in  
8 to speak in favor of the rezoning, at this  
9 time I know that the developer is here,  
10 Mr. Worgan, if he has anything to state. If  
11 you could go to the podium, please,  
12 Mr. Worgan, be sworn in and take your time  
13 and present your case.

14 (G L E N N W O R G A N , having  
15 been called as a witness and being duly  
16 sworn, was examined and testified as  
17 follows:)

18 MR. WORGAN: Good evening.

19 MR. HUGHES: Mr. Worgan, if I could  
20 just interrupt you, you are not the owner of  
21 the property?

22 MR. WORGAN: That's correct. I'm  
23 the equitable owner.

24 MR. HUGHES: You do have a signed  
25 sales agreement?

1 MR. WORGAN: Yes, I do.

2 MR. HUGHES: You have equitable  
3 title and you are authorized to speak  
4 tonight. We will mark that as Exhibit D-1.  
5 Thank you.

6 MR. WORGAN: About an hour ago I had  
7 legal representation and so I'm a little bit  
8 unprepared, I wasn't sure -- planning on  
9 being up here making the appeal to you, but  
10 I'll do by best to get through this.

11 My company, Delaware Valley  
12 Development Company, has the subject  
13 property 200 block of Davis Street under  
14 agreement to purchase, and what we have done  
15 is proposed an apartment complex for the  
16 community and that coincides with what  
17 Mr. Finnerty said when the community learned  
18 of the proposed use about two and a half  
19 months ago the neighborhood sort of  
20 mobilized and organized which is a resulting  
21 in this hearing here tonight.

22 What Mr. Finnerty did not mention is  
23 that what I am proposing is an affordable  
24 housing development. It is a residential  
25 use, we proposed 75 units. Now, this

1 development plan has not been submitted to  
2 the city yet so it's not of record, however,  
3 I have presented the plan to the mayor, to  
4 his staff, to the Lackawanna County Housing  
5 Coalition, to the zoning officer, so word is  
6 out that my company wants to develop a  
7 community on the site, and it is  
8 residential.

9 I have heard a lot about commercial  
10 use being unwanted, undesirable,  
11 incompatible, but what I'm proposing is a  
12 residential use, 76 units.

13 Interestingly, the R-1A zoning  
14 designation would allow 60 -- approximately  
15 60 housing units to be developed on the  
16 site, which is not very different from what  
17 I'm proposing.

18 I had several conversations with  
19 members of the Minooka Neighborhood  
20 Association, Mr. Finnerty, Mr. McDonough,  
21 the former mayor, and the single issue that  
22 was discussed at length was the incomes of  
23 the residents of the proposed facility. I  
24 think that's what we are experiencing here  
25 this evening is discrimination. I



1 understand that rumors can circulate and  
2 people believe that it could be public  
3 housing or Section 8 or some other type of  
4 undesirable, "undesirable housing."

5 That's not what I'm proposing. It's  
6 income restricted, rent restricted, but for  
7 working families. You have to pay the rent.  
8 It's totally unsubsidized for the rental.

9 I would like to make a couple of  
10 comments in response to Mr. Finnerty's  
11 presentation. He mentioned that the site is  
12 surrounded, everything surrounding the site  
13 is residential. That's not true.

14 Immediately adjacent to the site, to the  
15 rear, is a health center, an institutional  
16 use. Granted, it's in the R-1A zone, but  
17 it's an institutional use. They use  
18 McCarthy Street for ingress and egress to  
19 Davis Street.

20 He also said it simple and clear  
21 that the neighborhood has been residential  
22 forever. This site was actually used very  
23 recently as a radio tower. Commercial use.  
24 So there is a history of commercial use on  
25 the site.

1 I sympathize with the residents not  
2 wanting a big shopping center, major  
3 commercial development. I understand it's a  
4 residential community. What we are  
5 proposing is a residential facility. An R-3  
6 designation would be perfectly appropriate  
7 for what I'm proposing and, in fact, there  
8 is a zoning district of R-3 directly  
9 adjacent to our site, directly across  
10 McCarthy Street which has multi-family  
11 housing. It's not all single family and  
12 what I'm think is very compatible with the  
13 community.

14 I would like to submit for the  
15 record the proposed plan that I presented to  
16 the city.

17 MR. HUGHES: Fine. That would be  
18 D-2.

19 MR. WORGAN: Another comment that  
20 was made had to do with property values  
21 declining. I did not hear any evidence to  
22 suggest -- to prove, rather, that property  
23 values would decline. I believe the burden  
24 of proof is on the residents and the  
25 Neighborhood Association to prove that

1 property values would decline, I did not  
2 hear that. In fact, I don't believe that  
3 they would decline.

4 A couple of things on the comp plan,  
5 Mr. Finnerty said that there is quality  
6 residential development near existing  
7 desirable neighborhoods, as part of the comp  
8 plans, precisely what I'm proposing. Single  
9 family houses next to existing single family  
10 houses. That's not exactly what we have  
11 here. As I said, there is institutional use  
12 to the back and there is R-3 directly to the  
13 west.

14 There was a discussion of traffic,  
15 Mr. Finnerty said there would be much less  
16 traffic than a business district. In fact,  
17 he said there would be much more traffic  
18 than single family development and he said  
19 that would be a given. I have a study that  
20 actually was done by the National Housing  
21 Council which states that single family  
22 residences have more cars than apartments  
23 and they make more trips than apartments --  
24 apartment dwellers. There is 60 units in  
25 twins, I believe that there will be far more

1 traffic with the development of the R-1A, if  
2 it was developed to it's maximum, and I  
3 think I would like to submit a copy of the  
4 study for the record.

5 MR. HUGHES: That will be marked as  
6 D-3.

7 MR. WORGAN: Mr. Finnerty said there  
8 is heavy, heavy congestion on Davis Street,  
9 I don't see how that could be conducive to  
10 single family living. I did actually send  
11 our plan proposed plan to PennDOT to get a  
12 preliminary reading on the suitability of  
13 the site for single family -- or for  
14 multi-family housing, and spoke to a person  
15 named Bob Cretchmore and he also sent the  
16 information to the traffic unit and he  
17 believes that there is no room for widening  
18 on the street, however, he said they would  
19 be looking for traffic from our proposed  
20 development to run through McCarthy Street  
21 and not directly onto Davis Street.

22 So, in other words, traffic can be  
23 dealt with. It's a state highway, there is  
24 room for development on that street. In  
25 fact, the zoning could accommodate a lot

1 more traffic, a lot more -- I'm sorry, a lot  
2 more density on the site than what I'm  
3 proposing, 76 units will not generate or  
4 yield that much more traffic in terms of the  
5 trip generation, we are talking about 50  
6 peak hour morning commutes and 58 p.m. peak  
7 hour trips. That would not add  
8 significantly to the traffic on the street.

9 And I guess lastly, I would like to  
10 read a letter that I have from the city,  
11 Office of Housing, if I can find it. I'm  
12 jumping around a little bit here. Here it  
13 is. It's from the Scranton Office of  
14 Economic and Community Development and the  
15 executive director. "Dear Mr. Worgan, it  
16 was a pleasure meeting you on February 8,  
17 2011, to learn more about your proposed  
18 housing project located at 205 Davis Street  
19 in Scranton, Pennsylvania. The project  
20 fills a critical need in the community for  
21 decent, safe, affordable, rental housing for  
22 families. The project is consistent with  
23 the City of Scranton consolidated plan in  
24 2010 and 2014.

25 In addition, the city supports the

1 location of this project in Minooka and is a  
2 welcome addition to our concentrated efforts  
3 to rejuvenate other sections of the City of  
4 Scranton. The project will transform the  
5 vacant blighted property and will be  
6 welcomed by it's neighbors and will easily  
7 join together a strong, existing residential  
8 neighborhood. This office is looking  
9 forward to joining with you on this project.  
10 Please keep this office updated on your  
11 progress, and I'd like to submit this for  
12 the record, too.

13 MR. HUGHES: Who is the author of  
14 that letter?

15 MR. WORGAN: I'm sorry. "Sincerely,  
16 Linda B. Aebli, executive director."

17 Just in closing, I strongly believe  
18 that this effort is discriminatory and  
19 illegally down zones our property. There is  
20 Fair Housing Laws that protect this type of  
21 development and there is also civil rights  
22 laws that protect this type of development.  
23 Thank you.

24 MR. HUGHES: If I could, Mr. Worgan,  
25 Mr. Finnerty, do you have any questions?

1 MR. FINNERTY: I don't have any  
2 questions, but I would like to have a  
3 rebuttal opportunity.

4 MR. HUGHES: If you could just keep  
5 it short, like a minute or two, because we  
6 have a council meeting. I have it's about  
7 ten of seven, council meetings start at  
8 6:30. I have tried to give enough latitude  
9 to the importance of this to let everybody  
10 speak, so if you just want to rebut very  
11 quickly and succinctly, please.

12 MR. FINNERTY: Thank you, Attorney  
13 Hughes. We just heard, you know, 10 or 15  
14 minutes of statements from Mr. Worgan about  
15 a proposed development. I think the first  
16 thing he said is there is nothing filed with  
17 the city about a proposed development. We  
18 are not here tonight about a proposed  
19 development, we are here tonight about our  
20 request to change the zoning ordinance.  
21 This council should not be considering  
22 anything the developer said. There is  
23 nothing presently pending. He hasn't filed  
24 anything, there is nothing here for council  
25 to consider about a proposed development.

1 I went through the zoning ordinance  
2 with you. I don't know how many potential  
3 uses for that property I read off, 40, 50,  
4 certainly I don't have to do it again. That  
5 property can be put to any one of those  
6 uses, car wash, gas station, anything. It's  
7 not limited to his proposed development.  
8 Whatever it is, we don't know, we haven't  
9 seen it. There is nothing filed on record,  
10 so I would submit to council that you  
11 disregard everything Mr. Worgan said and  
12 disregard every one of the exhibits he  
13 submitted because there is no application  
14 pending, we are not here on a land  
15 development application, we are here on a  
16 zoning ordinance proposal.

17 And I guess just one final thing, he  
18 referred to the property as being blighted,  
19 I don't know if he has seen the property.

20 MR. HUGHES: No, that was not he,  
21 that was Ms. Aebli in her letter, which is  
22 Exhibit D-3 -- or D-4, I'm sorry.

23 MR. FINNERTY: All right. Well, let  
24 me just clarify for the record, it's a  
25 wooded area. It's undeveloped. I don't



1 know how you can kind of equate that with  
2 blighted. But again, I request council  
3 respectfully that the ordinance be amended.  
4 I submit that we have satisfied the criteria  
5 and I request on behalf of the residents of  
6 Minooka everyone that signed the petitions  
7 and everyone that's here tonight that you  
8 protect their area of single family  
9 residential and vote to approve the  
10 amendment. Thank you.

11 MR. HUGHES: On behalf of council, I  
12 want to thank everyone that came tonight and  
13 addressed council and to be here at this  
14 meeting. Just from a procedural standpoint,  
15 there is no legislation pending, there is  
16 nothing on council's agenda regarding the  
17 rezoning, that will up to the chairman.

18 There has been an ordinance that has  
19 been submitted with this, with the  
20 application. It will be reviewed by the  
21 Solicitor's Office and also by the city  
22 planner and then that ordinance that has  
23 been there will have to be put in and formed  
24 for the city as a city ordinance. I don't  
25 know if that can be done by next week, but

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we will have -- that's the ordinance -- or  
that's the proposed ordinance that would  
rezone this parcel of the land from the CN  
to an R-1A zone. Thank you.

MS. EVANS: I now declare this  
public hearing closed.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes of testimony taken by me at the hearing of the above-captioned matter and that the foregoing is a true and correct transcript of the same to the best of my ability.

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CATHENE S. NARDOZZI, RPR  
OFFICIAL COURT REPORTER