

City Planning Commission

*Erie, Pennsylvania
September 17, 2013*

-Minutes-

MEMBERS OF THE CITY PLANNING COMMISSION:

The regular meeting of the City Planning Commission was held on Tuesday, September 17, 2013 at **1:00 pm** in Room 500, Municipal Building, 626 State Street.

1. *Roll Call*

Members Present: Gary Antalek, Daniel Collins, and Thomas Dworzanski

Members Absent: Richard Speicher and Don Marinelli

2. *Approval of the August 20, 2013 regular meeting minutes of the City Planning Commission as received.*

On a motion by **Mr. Antalek**, seconded by **Mr. Collins**, the August 20, 2013 meeting minutes were approved unanimously.

3. *The Commission reviewed a minor subdivision submitted by the Erie Catholic Diocese. The subdivision would create a new 50'X98.92 lot of 4,946 square feet and leave an irregular residual lot of 26,382 square feet. A modification letter was submitted since the new lot does not meet the minimum lot requirements of 60'X100' as required by Section 805.7 of the Erie City Subdivision and Land Development Ordinance. The property is located on East 3rd between Wallace and Ash. The Zoning district is R-2.*

Jim Welka was present to explain the subdivision. Mr. Welka stated that the intention of St. Hedwig Church was to create a new lot for the existing structure and sell the parcel. The Commission questioned if there were any zoning issues. The zoning office stated that there were no issues with the subdivision. The Commission also asked about the garage located on the lot. Mr. Welka said it would remain on the residual lot.

With a motion by **Mr. Dworzanski** and seconded by **Mr. Antalek**, the subdivision was approved unanimously since the subdivision meet requirements of the Subdivision and Land Development Ordinance with the modification letter.

4. *John Elliot from GEIDC returned to add further information to his initial Basic Conditions Report for the Port of Erie Redevelopment Plan.*

Mr. Elliot began by reiterating the purpose of the Port of Erie Redevelopment Plan and explaining in great detail the 45 page report which will be entered into the record as exhibit A. There were two additional pages of texts added to the report. Each member was given a copy of the report to read and study for next month's meeting.

Mr. Antalek expressed his concerns with declaring 70 acres of land that are zoned WM, Waterfront Manufacturing, blighted based on the factor of faulty street or lot layout. Since the lots are in common ownership, the lot lines could be corrected by combining lots or through a subdivision/replot. Mr. Antalek further noted that the buildings are, in general, in good condition and are not blighted.

Mr. Elliot replied that there has been no attempt to address the current lot layout in the past twenty years and it would appear that this issue would not be addressed in the next twenty years. Designating this area as a redevelopment area would justify the need for public investment from different funding sources. That is, there is a condition that exists that justifies public investment, but not saying was the public investment will be.

Mr. Antalek further questioned why the area would be called blighted? Mr. Elliot stated that 'blight' has a connotation and a denotation that are different. The term 'blight' is defined by state law and does not reflect the perception of blight.

Mr. Antalek then expressed his concerns about declaring land without streets blighted. He argued that any vacant land could be considered blighted. Mr. Dworzanski also questioned how the area could be designated blighted with the current condition of the land. He further stated that if the Port Authority of the Erie cannot revitalize the area, what would the City do differently if this is declared a redevelopment area? How can we use faulty street or lot layout to declare the area blighted?

Mr. Elliot responded that the law required the Planning Commission to say that the conditions of blight exist. He summed up his reason for being in front of the Planning Commission by asking the question, do conditions exist that justify public involvement? Designating the area as a redevelopment area by the Planning Commission is the first step to begin the process of redeveloping the area, to seek funding. Does shortening a three-quarter mile dead end road, dedicating a park, and connecting the park with public infrastructure worth public investment? The property is currently useable but most of it has been vacant for twenty years which is not a good use for the property. There are several businesses contemplating investing \$10's of millions into the area. This is not a poster child for urban decay, but, in his opinion, there is a condition that exists which is worth public investment.

Brenda Sandberg, director of the City of Erie's Economic and Community Development department, added that the Urban Redevelopment Law states that Section 2 of the law should be used as a checklist to see if the requirements to designate a redevelopment area are met.

Mr. Collins voiced concern over several issues. He wanted to know if there would be a cost to the tax payers of Erie or if the cost would be for any interested parties; the current state of the road system, which Mr. Collins stated was in great condition and had a cul-de-sac; and the effect of the designation on the two businesses currently located there.

Mr. Elliot stated that the two businesses would not be affected. The designation as a redevelopment area does not change anything. By redeveloping the area, coastal access would be increased for other potential businesses. Regarding the roads, the plan would be to connect the two roads which would allow heavy machinery to circulate more efficiently. As to the first question, financing has not been completed. The project is not to be speculative. The main source of financing would be to issue bonds to private investors. The contracts would require a commitment of at least five years. There would be some public money involved but most of the funding would come from private sources.

Mr. Dworzanski had further questions regarding the designation of a redevelopment area. He asked about the role of the Port Authority. Mr. Elliot stated that the Port Authority agreed to sell the property to GEIDC. Next, Mr. Dworzanski asked if all of the properties were to be redeveloped. Mr. Elliot informed him that the properties already developed would not be redeveloped. Mr. Dworzanski's final question regarded the possible use of eminent domain. Mr. Elliot replied that a public agency cannot use eminent domain to take property from another public agency. Ms. Sandberg stated that Erie Coke owns lot 8; the Port Authority owns lots 1, 2, 4, and 6; and the City of Erie owns lots 3, 5, and 7. Mr. Elliot replied that GEIDC is currently sorting out this inconsistency.

Mr. Antalek questioned whether or not blight changes the value of the land. Mr. Elliot replied that the value of the land before or after the declaration is made is not of their concern. Ms. Sandberg added that the current assessed value of the 70 acres is higher than if the property was located in another part of the county, according to the Erie County Bureau of Assessment. Mr. Elliot replied that the current assessed value is irrelevant since the assessed value would be increased by fixing the current road and railroad system in the area. He added that waterfront property is the most valuable property in the world, no matter where you are at.

The final question for the meeting was brought up by Mr. Antalek. His question concerned what business the Planning Commission had to declare this property as blighted and if there would be any legal ramifications for such a designation. Mr. James Toohey, the attorney for GEIDC, replied that the concept of blight has been litigated before in courts, and, in general, the courts mostly side with the Planning Commission. There would have to be an arbitrary decision made on behalf of the Planning Commission or the decision was made for a self-servicing interest of the Planning Commission member(s). The Planning Commission's decision is a legislative one not a judicial one. Ms. Sandberg reiterated that the basis of the decision should be made on the requirements of Section 2 of the Urban Redevelopment Law.

With further information needed by the Planning Commission, **Mr. Antalek** made a motion to table the vote to the next meeting. **Mr. Collins** seconded the motion.

With there being no further business, the meeting was adjourned at 2:15.