

Village of Phoenix
Public Hearing
Tuesday, June 19, 2018 6.45 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present: Mayor Ryan Wood
Absent Trustee Paul Griser
Trustee David Pendergast
Trustee John Musumeci
Trustee Caleb Sweet
Village Clerk Roxanne Demo
Administrator James Lynch
Absent Attorney Steve Primo

9 Public in Attendance

Mayor Ryan Wood opened the Public Hearing at 6:55pm. Motion was made by Trustee Musumeci to waive the reading, seconded by Trustee Sweet. All ayes.

VILLAGE OF PHOENIX
BOARD OF TRUSTEES; NOTICE OF PUBLIC HEARING
ZONING MAP AMENDMENT; TAX PARCEL NUMBER
Record Owner: Mildred Young

PLEASE TAKE NOTICE that a Public Hearing will be held by the Board of Trustees of the Village of Phoenix on the 19th day of June 2018, at 6:45P.M. at the Municipal Building (Sweet Memorial Building) found at 455 Main St. Phoenix, New York 13135 to consider the following:

The enactment of proposed Local Law No. 5 for the year 2018 for the Village of Phoenix relating to the amendment of Chapter of the Village of Phoenix Municipal Code entitled "Zoning" Sections 205-4 and 205-5 to provide for amendment of the existing Zoning Map so as to change the zoning classification of a certain parcel identified as Tax Parcel #303.12-01-09, from Residential (R-1/2) to Business (B) having an owner of record pursuant to Town and Village assessment/billing records namely: Mildred Young as indicated by deed book 507 page 64 at the office of the Oswego County Clerk. A true copy of such deed, containing legal description, or legal description with such deed reference included follows. Such owner of record or their legal representatives are the named or acting sellers to certain contract purchasers of the premises under written and signed executory contract, such purchasers (the "Developers" hereinafter) requesting the map amendment and related relief sought herein representing they have written authority and consent to seek the map amendment described herein and such other approvals and

permits as required to allow construction and operation of the proposed project described in the paragraph following next below.

The premises subject of the request for zone change/map amendment are described as follows:

Beginning in the centerline of New York State Route 264 (Volney St.) at a point representing the northeasterly point of intersect at such centerline with the common property line of the premises and those of Johst (R-2017-011272) and which beginning point is also located 15 ft. +/- northeasterly (along the same course as such common property line) of an iron pipe located on such common property line and which iron pipe is also located app. 6 ft. northeasterly of the westernmost highway boundary line of said Route 264/ Volney St. (and along the same course as such common property line); thence along said centerline for a course and distance not clearly indicated on the Survey Map,(hereinafter described) but showing in part a course of S 02' 12' 09" E and distance of 276.34' along such centerline, and however in any event running completely along said centerline to a point located at the intersect of such centerline with the common property line of Paddock (R-205-001861), and which point is marked with an iron pipe located 35+/- ft. S 86' 16" 03' from the intersect of the highway center line of said NYS Route 264/Volney St. and the common property line of Paddock aforementioned; thence from said point of intersect continuing S 86" 16' 3" along said common property line an additional 805.85 ft.=/- s measured (also noted as 805.1ft. to centerline, and 793.97 "per map" on the Survey Map, to a point marked with two iron pipes located at the intersect of such property line with the westernmost (and common property line) of the premises with CSX Transportation Inc., thence from said point and two iron pipes aforementioned located on and immediately adjacent to the southwesterly corner of the premises at such point of intersect; thence along the westerly common property line aforementioned N 40' 41" 19" a distance of 291 ft. measured (291.52' per map) to a point, being the point of intersect with the southerly property line of Johst (same being the same common property line first above described) and which point is marked by an iron pipe: thence N 62 03" 36" 1015.69 ft. measured (1005.30 ft. per map, and 1016 ft. "to centerline") the point and place of beginning.

The same is as described/ referenced in a certain Deed from Lawrence B. Talcott to Roy J. and Mildred E. Young dated September 11, 1950 and recorded at Book 507, page 64 of Deeds at the office of the Oswego County Clerk; map references are to survey maps of Craig C. Bliss, LLS dated and last revised respectively as of June 29, 1970 and March 6,1978; and survey map of Bliss dated November 12, 1974.

The premises are as shown on a survey map of David Bardoun, LLS #50612 made from an actual survey entitled "Part of Phoenix Tract" dated 4/12/18 under file no.18.14 and is hereinbefore referred to as the "Survey Map".

In connection with the foregoing be advised that referral to the interim Planning Board Chair has been made for an advisory opinion as may or may not at present be required under Sections 205 J(4)of the Village Code. The advisory opinion shall be rendered in writing and delivered back to the Village Board for consideration within 20 days of referral. Same is advisory in

nature only and the interim Chairs advise has been sought due to his long experience with the Planning Board which does not exist at present due to the expiration of all members terms.

Likewise the Town of Schroepel Supervisor or Town Clerk shall be served with a copy of such Application and related documents.

In addition, referral to the Oswego County Planning Board is required under General Municipal Law Sections 239- m and possibly -n if as to the latter, based upon the project developers plan to include the within map amendment, minor subdivision, and site plan approval for a 4-5 unit retail or business/commercial structure with appurtenant improvements however the same to be limited as to certain uses otherwise permitted in the zoning district for which the map amendment is sought (B- Business) (same has been requested and the Village understands are to be proposed by the Developer and then discussed/negotiated with the Village Board; given the expansive and varied listing of potential commercial and similar uses permitted in such district it has been urged that same be voiced and discussed in connection with the public hearing subject hereof;

The action, inclusive of the subdivision and site plan approvals required appear as an Unlisted rather than Type One Action under the State Environmental Quality Review Act; nevertheless the Developer has been required to complete and file together with all other application documents and requirements a long form EAF document and to advise or propose as to its intentions or request of the Lead Agency in this regard; The Village Board has or will assume Lead Agency for purposes of SEQRA review, at the latest prior to or immediately following the public hearing subject hereof Please note a decision in favor of or against, the applicants request, and including any applicable conditions may or may not be made following close of the public hearing, including any adjourned date, based upon based upon the status of completion relative to the referrals mentioned and legal/engineering review of any submitted or required to be submitted application requirements not then or earlier waived by the Planning Board or Village Board.

The Village Board of Trustees Resolution of June 5, 2018 authorized the above referrals and scheduling of public hearing included additional or supplemental explanation of the requirements and conditions precedent to the public hearing being held or application of Developer hereunder proceeding.

Copies of the proposed Local Law are or shall be kept on file at the Office of the Village Clerk and may be inspected during regular business hours. Parties may appear at the hearing in person or by agent. Any parties desiring to attend and may be limited by disability in their ability to access or egress from the Sweet Memorial Building should contact the Village Clerks office at (315) 695-2484 prior to the date of hearing and reasonable attempt/accommodation shall be made to permit attendance.

BY ORDER OF THE VILLAGE BOARD

Roxanne Demo
Village Clerk

Dated: June 13, 2018

Mayor Wood said they would be discussing the proposed zone change for the tax parcel 303.12-01-09. It's for a mixed use building. He asked that the developer and engineering come forward to discuss the plans with the residents. Mayor invited the residents to ask questions or state any concerns they have. The residents had question about the parking, the entrance to the building on a busy road, the lighting and what type of businesses would be there.

Mayor Wood next indicated, the public hearing having been scheduled, they would now be discussing the proposed zone change for tax parcel 303.12-01-09, intended to be developed by Mr. Slocum, present this evening with his engineer Michael Lasell, PE again. To summarize, the application is for a map amendment from our present R1/2 to a Business district however with some restrictions to be worked out, as well as a minor subdivision and site plan review all being consolidated in this proceeding, however with only the zoning map amendment requiring a public hearing. He characterized the proposed use as a mixed-use however then explaining that only permitted business uses would be permitted in this project ie no residential is presently proposed and he proposes small, low impact type service and professional offices and uses, possibly a daycare component or fitness gym or club. Mayor Wood then asked the developer and his engineer come forward (to again discuss their plans with the resident/attendees as follows: Ian Paddock 127 Volney St., Fred and Sarah Wall 140 Volney St., Dick Chiovaro 136 Volney St., Ron Johst 163 Volney St., Ron Johst Jr. 159 Volney St., and Barb Dix 19 State Street. The Mayor invited those attendees, many if not all residents living nearby the site, to ask any questions they might have or to state any concerns whatsoever they have. Of those listed, five residents provided public comment but in addition, certain of the "areas of concern" described following were discussed and responded to/from various persons the engineer and/or a board member or Codes Officer. Certain questions related to the proposed parking, access and egress to the building from SR 264/Volney St., perceived as a very highly trafficked Road, the exterior lighting, and types of business/commercial would be permitted there.

The Developers engineer referenced the Traffic Engineering report submitted a few weeks back, and reminding as to the particular Engineer having prepared that the Village attorney had advised was very reputable at the last meeting, and in any event curb cut permits do get revisited by the agencies having jurisdiction and they will request any changes they believe are warranted, in fact, require them as a condition of any permits issued by them. Although a State Route there was some thought that Oswego County might have jurisdiction since within the Village and it seemed that on another street, similar issue, the County was the responsible agency. In any event, this in most cases is a post-closing condition and the appropriate Village Boards or authorities can choose not to wait and simply issue its decision with several post-approval conditions to satisfy.

The potential uses, it was pointed out, were the subject of a negotiation between the developer and village, the main problem is that the "Business" Zoning classification in the Phoenix Code was really its only commercial type provision and thus permitted a number of users potentially, there were three residential/ mixed residential districts (ie such as here the parcel and surrounding parcels were zoned R1/2 and the very specialized focused commercial and mixed-use allowances in the Canal Commercial District. Prior to this date, the Village Attorney (not present this evening) had indicated the study and permitting of the general site/corridor here and at one other in village location suggested to him certain restrictions that had been inserted in the draft local law for this application but not yet commented on, and the Engineer indicated a report he prepared addressed that particular issue and he felt Primo would try and reconcile the two proposals to see where we stand.

As to site lighting, the plans submitted did not show any; the developer and engineer were advised that the Village in the past had reserved the right then to order any adjustment of the design shown in a plan or once installed
(ALSO SEE NOTE BELOW):

There being no other comments or questions, Motion were made to close the public hearing by Trustee Musumeci at 7:25 pm, seconded by Trustee Sweet. All ayes.

NOTE: UPON REVIEW OF DRAFT MINUTES ATTORNEY PRIMO INDICATED TO DEVELOPERS ENGINEER THAT SOME TYPE OF LIGHTING PLAN, SHOWING ON BUILDING TYPE AND EFFECTIVE DESIGN OF FIXTURE SUCH THAT SPILL RADIUS AND INCREASE IN LUMENS, FOOTCANDLES OVER AMBIENT LIGHT IS WITHIN SPILL RANGE, THAT FIXTURE ON BUILDING AT DESIGN HEIGHT AND LOCATIONS SHOWN WILL NOT CAUSE POINT SOURCE OF LIGHTING TO BE WITHIN LINE OF SITE OF NEIGHBORING PROPERTIES AND SHOW FIXTURE SHIELDING OR HOODING TO EFFECT THIS. ANY POLE OR SIMILAR LIGHTING MUST BE LIMITED IN HEIGHT AND ALSO HAVE HOOD OR SHIELDING TO PREVENT POINT SOURCE ISSUE AND TO ENSURE THAT EFFECT OF ALL LIGHTING AT LOT LINES WILL BE TO NOT INCREASE ABOVE AMBIENT LIGHTING IN EXCESS OF TWO LUMENS/FOOTCANDLES. THE DECISION ADOPTED FOR SITE PLAN WILL INCLUDE THAT ANY VIOLATION CAN BE REMEDIED THROUGH VIOLATION REMEDIES IN THE FUTURE FOLLOWING ISSUANCE OF A CO.