

Village of Phoenix
Public Hearing Meeting
Tuesday, October 16, 2018 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

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

5 Public in Attendance

Mayor Ryan Wood began the Public Hearing at 6:05pm.

Motion was made by Trustee Sweet to waive the reading, seconded by Trustee Musumeci. All ayes.

VILLAGE OF PHOENIX
BOARD OF TRUSTEES; NOTICE OF PUBLIC HEARING
ZONING MAP AMENDMENT; TAX PARCEL NUMBER
303.16-02-20; Record Owner: Robert D. & Hazel Gleason
Applicant; Contract Purchaser; Philip Slocum

PLEASE TAKE NOTICE that a Public Hearing will be held by the Board of Trustees of the Village of Phoenix on the 16th day of October 2018, at 6:00P.M. at the Municipal Building (Sweet Memorial Building) located at 455 Main St. Phoenix, New York 13135 to consider the following:

The enactment of proposed Local Law No. 6 for the year 2018 for the Village of Phoenix relating to the amendment of Chapter 205 of the Village of Phoenix Municipal Code entitled "Zoning" Sections 205-4 and 205-5 to provide for amendment of the existing Zoning Code text and Map so as to change the zoning classification of a certain parcel identified as Tax Parcel #303.16-02-20; Record Owner: Robert D. & Hazel Gleason, Applicant; Contract Purchaser; Philip Slocum, of 5333 St Rt 49, Fulton NY 13069, New York; from Multi Family Residential (MR) to a new designation entitled Village Edge Transitional (VET) permitting certain enumerated relatively lower impact uses reasonably compatible with residential areas and uses and as are permitted in the Village Business and Canal Commercial Districts the same parcel consisting of 4.24 +- acres and as further described in Oswego County, Town assessor and Village Tax assessment/billing records as owned by, as of the date hereof March 19, 2018 as indicated by deed dated 2018 and recorded on the 19 day of March 2018 at book 2018 page 2754 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 is attached hereto as Exhibit "A". Such owner of record or their legal representatives, if not the same as applicant are the named or acting owners off record and contract sellers to applicant, it's principal, successor or assigns (as conditional contract purchasers of the premises under written and signed executory contract), such purchasers (the "Developers" hereinafter) requesting the foregoing text and map amendments and any incidental or related relief sought or required herein representing they have written authority and consent to seek the said amendments 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.

In connection with the foregoing be advised that referral to a provisional Zoning Board of Appeals chair, if by then appointed, may be made for an advisory opinion as may or may not at such time of consideration hereof be an option for

the Village Board to consider. If so, such advisory opinion may be rendered on the record at the public hearing or in a written communication addressed to the Village Mayor and delivered to the Village Clerk-Treasurer not less than one day prior to the hearing for consideration by the Village Board at such hearing. To be clear, the foregoing referral is as considered, optional and not mandatory, and is presently under preliminary consideration as outlined in draft proposed local law #6 of 2018 (which legislation, for reasons set forth therein abolishes both the existing planning board and zoning boards of appeals framework and however establishing a new zoning board of appeals with plenary powers usually retained by Zoning boards of appeals, as well as certain review and advisory authority on certain planning, subdivision, site and related reviews) however same will not be considered for adoption until the within local law, and local laws #'s 7 (overlay district) and 8 (marina PDD) finalizing text and possibly map amendments warranted by, and finally adopted as per the Villages updated comprehensive Plan and further planning efforts thereafter.. 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.

The Town of Schroepfel Supervisor or Town Clerk shall be served with a copy of such Application and related documents if required per Town Law.

In addition, referral to the Oswego County Planning Board as and if required under General Municipal Law Sections 239- m if as to the latter, based upon the project developers plan to include the within map and text amendment, and site plan approval for a 4-6 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 to be established as above described, and for which the map and text amendment is sought.

The action, inclusive of the zoning text and map amendments and site plan approvals required appear as an Unlisted rather than Type One Action under the State Environmental Quality Review Act; nevertheless in order to permit the Village to timely complete and submit for County Planning review, 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.

Respecting the Village Board of Trustees Resolutions of June 5, 2018 and July 17, 2018 authorizing similar relief relative to a similar project of the Applicant at Volney Street SR264 subject to certain conditions; it should be noted that the same conditions will be considered herein;

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 not later than two weekday (non-holidays) 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: October 8, 2018

Engineer Mike Lasell explained to the public the plans for the proposed building, uses and the landscaping. The questions raised were traffic and drainage of the property.

Primo said the commercial/business zoning change proposed is going to change to create a new district called transitional. Primo is asking the board to amend the original change. With this new designation it will include the uses that Slocum wants and a caveat with the overlay district. Slocum asked when they'll know if this is approved. Primo said it still has to be referred to county planning and he has the LEAF, he's almost done with the application, he'll get this to them on Thursday or Friday. Slocum said the landowner wants to get this done. Mayor said as soon as we receive this back from county planning the next board meeting is November 6 and he doesn't see any problem, the board seems comfortable with what was presented and as soon as we hear back from county planning we'll let them know. Primo said the next meeting they should be ok. If the board is in agreement with the approval of this project it will supersede the county planning. Lasell said the SWPPP is done on the Rt. 264 site but not completed on the Davis Street project.

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.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer