



## VILLAGE OF CHITTENANGO

*"where the water runs north"*

222 GENESEE STREET

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### PLANNING AND ZONING BOARD MINUTES

August 4, 2025

**Present:** Chairman Bob Salmon, Board members: Robert Doss, Frank Kaylor, Jason Tardio, Dan Newton, Ronnie Jackson, John Ceresoli, Heidi DuSell, Counsel Jeff Eaton, Clerk/Treasurer Karen Hawkins, Deputy Clerk/Treasurer Caroline Brazeau, Linda Kendall, John Prorock, Marilyn McCabe, Michael McCabe, Jim Bogett, Mary Price, Tina Myers, Krista Fountain, Patrick Fountain, Denise Swank, Mirek Kupczynski, Marta Kupczynski, Ryan Redden

**I. Public Hearing** called to order at 7:00 PM by Chairman Bob Salmon.

- A.** John Prorock, 211 Juneway Drive, went over his request for an area variance for 2 sheds that were in place prior to his purchase of the home in February 2025. He feels the complaints were attacks on issues had with the previous owners. Since owning the home, he has cleared up front deck, back deck, patio, and pool code violations and paid the fees, and the 2 sheds that are 6 ft and 4 ft off the neighboring properties is the last remaining outstanding issue. His neighbors Marilyn and Michael McCabe were present to support having no issues on the placement of the sheds. Board members Bob Salmon, Dan Newton, and Heidi DuSell made suggestions of different places the sheds could be moved. John Prorock argued moving them to the back would be where the land is eroding and he had concerns of the future safety of the home at the bottom of the hill that the shed would be sloping towards and humbly asked for a variance due to the sheds inability to be seen from the street, within the fence line and no one present arguing to remove them. Bob Salmon explained that the code needed to be respected. Prorock rescinded that the purpose of forms was to address individual circumstances that need some leeway. Counsel Jeff Eaton went over the 5 statutory factors determining whether to grant an area variance. John Ceresoli suggested a topographical map to show the erosion issue. Prorock stated that no one was present asking him to move, the time and resources already spent on this has been excessive. Counsel Jeff Eaton asked the board if they had sufficient information to decide on at this time. John Ceresoli motioned to close the public hearing, Heidi DuSell seconded. Motion carried.
- B.** Patrick Fountain, 131 West Genesee Street, went over his request for an area variance for 2 sheds he erected on his property, one 2 feet and one 4 feet from the property line. He stated the sheds were costly being Amish built, and he had crushed pads put under them. He argued that the back part of his property is too uneven, and he chose places that were somewhat level. His neighbors are present supporting they prefer the increased privacy the sheds provide. John Ceresoli asked the size, Fountain said both sheds are 12x12 feet. That is not drawn to scale on the property map Fountain provided. Counsel Jeff Eaton went over the 5 statutory factors when determining granting area variances in NY state. John Ceresoli stated there was a lot of emphasis on the back shed, but he had more concerns about the front shed being only 2

feet off the property line. Fountain stated it wasn't bothering the neighbor and is more like a garage for him putting his snowblower and lawnmower in. Fountain stated that laws were in place to keep absurd things from being allowed. John Ceresoli stated a garage, if done through codes, would never have been considered allowable 2 feet off the property line. GML referral was returned and will support village decision. Heidi DuSell motioned to close the public hearing and go into executive session. Frank Kaylor seconded. Motioned granted.

- C. Executive session for Patrick Fountain, 131 West Genesee Street. Ronnie Jackson motioned to go into executive session, John Ceresoli 2<sup>nd</sup>, motion granted. No action was taken.
- D. Mirek Kupczynski, 254 Genesee Street building owner, and Denise Swank, future dog grooming business owner at mentioned address presented asking for a special permit for the business. Dan Newton reminded that some plumbing would like to be started to put in tubs for the business. Bob Salmon asked about signage. Counsel Jeff Eaton stated that there is no special regulation related to a dog grooming permit as is, with restrictions, and there is nothing in the code specifically for this business. Heidi DuSell asked for a reminder of the hours, number of dogs and no overnight boarding criteria. Jeff Eaton asked what the hours would be, Denise Swank stated that usually it would be 10:00 am-5:00 pm but around the holiday times, it may be no later than 8:00pm. Dan Newton stated the hours are reasonable and do not violate any quiet hour restrictions. GML also came back supporting whatever the P/Z Board agrees to. Heidi DuSell motioned to close the public hearing, Dan Newton seconded, all approved. Motion carried.
- E. 8:12 PM Public Hearing closed.

- II. **Approval of last meeting's minutes** for August 4, motioned by Heidi DuSell and seconded by Ronnie Jackson, all approved. Motion carried.

### III. **Old Business**

- A. 211 Juneway Drive. Bob Salmon stated that a topographical map would be needed to make a decision. Prorock stated he would not be doing that and would move the sheds. He stated he would need to also move a vegetable garden and he's concerned about moving the smaller shed across the yard and asked if he would be sited further for digging up the yard. He will move the sheds by the next meeting and if he needed to come back to prove this. John Ceresoli motioned to table the variance application until a topographical map was provided of the area. Dan Newton seconded. All approved, motion carried.
- B. 131 West Genesee Street Heidi DuSell asked for a decision to be tabled needing a more scaled drawing and photos further back showing the shed in reference to the home. John Ceresoli showed Fountain on the map where they would need better detailed scaling. John Ceresoli motioned to table the variance application until additional photos and scale detail was provided of the area. Dan Newton seconded, all approved. Motioned carried.
- C. 254 Genesee Street. Ronnie Jackson motioned to determine a SEQRA type 2 action determining no further environmental granting a special permit subject to the following criteria; business operation no longer that 10am-8pm, no overnight boarding of dogs permitted, and no more than (1) family of dogs served at a time. Frank Kaylor seconded. All approved. Motioned carried. Counsel Eaton added that if the business changes, an amendment to the special permit could be added. Denise Swank asked about the sign she planned to put

one in the window and forgot the paperwork for it. Heidi DuSell responded she would need to get that to Jeff Geer, codes officer. Mirek asked about painting the window as a sign, Counsel Eaton read off the ECode the definition of a sign which included window painting.

- D.** 1001 Genesee Street. Jim Bogett in April 2025 was approved to have siding redone, but the board was waiting for further information to approve the 9 columns in the front of the building. Bogett had photos of the posts he would like to put in which included everything in the photo except the details at the bottom of the post. He will be going from a 4x4" to a 6x6" column. Counsel Eaton suggested modifying the existing site plan with this being acceptable information. Dan Newton motioned to modify existing site plans to include the 9 columns square PVC 6x6" with crown and bed kits in white. Jason Tardio seconded, all approved. Motion carried.

**IV. Adjournment** motioned by Heidi DuSell, seconded by Frank Kaylor, all approved. Meeting adjourned at 8:37 PM.

**V. Next Meeting:** Monday, October 6, 2025 @ 7:00 PM Village Hall.