

VILLAGE OF FREEVILLE  
ZONING BOARD OF APPEALS  
DRAFT MEETING MINUTES  
December 9, 2024

The Village Zoning Board of Appeals (ZBA) met at the Village Hall, 5 Factory Street, Freeville, NY, on Monday, December 9, 2024.

**Call to Order:**

The Meeting was called to order at 7:02 p.m. by Chairperson Kristen Olson.

**Present:**

ZBA Members: Kristen Olson (Chair), Marcus Griffith, David Lampman, and Michael Whalen

**Approval of Minutes:**

Member Griffith motioned to approve the Minutes from the Board's most recent meeting (held on October 9, 2024), seconded by Member Lampman. All Members present voted Aye.

**Corrections to Facts and Figures Discussed in Public Hearing on October 9, 2024:**

The board corrected two sets of figures discussed during the public hearing on October 9, 2024, for Mr. Ralph Varn's area variance application (submitted August 2024) for the property at 0 Groton Avenue.

Member Lampman presented corrections to distance figures stated by Chief Mike Parker of the W.B. Strong Fire Company during the public hearing held on October 9, 2024. Chief Parker had stated that two recent fires in the Village of Freeville had threatened adjacent structures that were more than 50 feet away. Member Lampman noted that based on distance measurements taken using Google maps:

- The distance from the northeast side of 15 Railroad Street to the residence at 13 Railroad Street was about 28 feet and the distance from the northwest side of 15 Railroad Street to the residence at 11 Railroad Street was about 40 feet.
- The distance from the northwest side of 10 Groton Avenue to the residence at 12 Groton Avenue was about 14 feet and the distance from the southeast side of 10 Groton Avenue to the freestanding garage at the same address was about 40 feet.

Member Whalen summarized the discrepancies between the proposed side setbacks presented in Mr. Ralph Varn's area variance application and the actual setbacks that would have resulted from a house of the dimensions proposed by Mr. Varn and sited as shown on the sketch map that accompanied the application. Member Whalen pointed out that, if built as shown on the sketch plan, the actual setbacks would have been between 17 and 18 feet, not the 19.5 feet stated in the area variance application. Member Whalen noted that his figures were calculated based on the geometry of the site as shown on the sketch plan (which was based on a survey map of the property prepared by a licensed land surveyor) and the siting of the house as shown on the sketch plan. Member Whalen also noted that while the Village of Freeville Land Use

Code does not require an applicant to provide stamped drawings by a licensed surveyor, architect, or engineer, zoning boards of appeals in New York State may require such information from applicants in order to complete their review of a proposed variance.

**Privilege of the floor:**

No members of the public were in attendance.

**Discussion of Rehearing Process:**

Chairperson Olson and Member Whalen stated that Mr. Ralph Varn has approached Village of Freeville officials about appealing the ZBA's decision to deny his application for an area variance for the property at 0 Groton Avenue. Member Whalen stated that Mr. Varn may appeal the ZBA's decision through the courts or request that the ZBA rehear the case. Chairperson Olson read aloud the following excerpt from the NYS Department of State Division of Local Government Services "Zoning Board of Appeals Overview" (available at: [https://dos.ny.gov/system/files/documents/2020/12/zoning\\_board\\_of\\_appeals\\_overview\\_text\\_version.pdf](https://dos.ny.gov/system/files/documents/2020/12/zoning_board_of_appeals_overview_text_version.pdf))

CHALLENGING A DECISION OF THE ZBA

If a party with standing is unhappy with the decision of the zoning board of appeals they have two options. They may appeal the matter to the State Supreme Court in what's referred to as an Article 78, or they may request a rehearing before the ZBA. A zoning board of appeals may, at any time, vote to reconsider a matter on which it already has rendered a determination, even in the absence of new facts or circumstances. This allows an applicant the opportunity to convince the ZBA that its original decision was erroneous.

- The matter must not have already been reheard.
- A motion must be made to rehear the matter and that motion must pass by a unanimous vote of all members present.
- The hearing must be noticed in accordance with state and local law, as was the original one.
- Following the new hearing, a unanimous vote of all present is required in order to change the original determination.

**Member Training:**

Chairperson Olson reminded the board of the annual training requirements.

**New Business:**

None.

**Meeting Adjournment:**

Chairperson Olson entertained a motion to adjourn the meeting, which was made by Member Whalen and seconded by Member Griffith. All Members present voted Aye. The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Kristen Olson,

Chairperson, Zoning Board of Appeals