

VILLAGE OF FREEVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES
December 8, 2025
7:00 pm, Freeville Village Hall

The Village of Freeville Zoning Board of Appeals (ZBA) met at the Village Hall, 5 Factory Street, Freeville, NY on Monday, December 8, 2025

Call to Order:

The meeting was called to order at 7:01 p.m. by Chairperson Kristen Olson

Present:

ZBA members: Kristen Olson (Chairperson), Anu Rangarajan (Vice Chairperson), Marcus Griffith, David Lampman, and Michael Whalen
Miles McCarty, Village of Freeville Mayor
Casey Drader, Village of Freeville Code Enforcement Officer
Michael Parker, Freeville Fire Department Chief
Diane Eaton, Village of Freeville Planning Board Member
Ralph Varn, applicant
Residents: Jason Cuykendall, Cynthia Cuykendall, Charles Hunt

Approval of Minutes:

Member Rangarajan motioned to approve the minutes from the previous meeting (September 17, 2025), seconded by Member Griffith. All Members present voted Aye.

Public Hearing on Variance Request of July 7, 2025 - 0 Groton Avenue (Tax Parcel 4.-2-4):

Member Whalen motioned to open the public hearing on the variance request made by Ralph Varn dated July 7, 2025. Member Lampman seconded. All Members present voted aye.

Chair Olson summarized the facts of the case and relevant sections of the Village of Freeville Land Use Development Code (LUDC).

The applicant, Ralph Varn, presented his case to the Board. He stated that the proposed residence has been placed on the lot so that it meets the required side yard setback on one side, requiring a variance for the other side. Mr. Varn stated that the lot is old but zoning is new. He stated that he purchased the lot from the Dans estate and that the Dans family owned the lot since 1931. Mr. Varn noted that there are other nonconforming lots and facilities in the Village and theorized that owners of nonconforming lots/facilities would have difficulty selling their property in the event of a disaster. Mr. Varn presented printed materials to the Board with information about the treatment of nonconforming lots under zoning ordinances in New York State. Mr. Varn stated that he should be able to do nearly anything he wants on the lot because other lots and/or facilities on Groton Avenue are nonconforming. He reiterated his belief that Section 307 of the LUDC allows him to build on the lot in a manner consistent with other nearby properties.

Village residents and interested parties were given the opportunity to address the Board:

- Resident Jason Cuykendall noted that the applicant does not appear to be the owner of the property. He stated that under New York State law, the variance application must be made or authorized by the owner of the property. Mr. Cuykendall stated that his greatest concern about the proposed variance is the lot's deficient road frontage. He stated that the applicant's hardship is self-created, since he and his real estate agent were informed of the lot's area deficiencies prior to purchase. Mr. Cuykendall stated that a variance should be a measure of last resort and questioned whether the applicant has made an effort to contact adjacent landowners to seek a transfer of property or use rights that would allow him to meet the zoning requirements. He states his belief that the 25-foot side yard setback was adopted in part due to concern for fire safety since the Village does not have hydrants or full-time firefighters.
- Freeville Fire Department Chief Michael Parker stated that LUDC requirements exist for a reason. He rebutted Mr. Varn's claim that owners of nonconforming lots/facilities would not be able to rebuild in case of disaster. He stated that previous land use laws do not apply to the lot in question now that Mr. Varn owns it. Chief Parker stated that fire risk can spread over long distances and that the prevailing winds in the Village are from the north and the west. He stated that he is not against new construction but asks that rules be followed. He stated that if a variance were granted for the lot in question and a fire were to occur there that injured a FFD volunteer, then he would sue the Village and individual members of the ZBA. He asked Mr. Varn to consider building a smaller house or approach neighboring property owners regarding a transfer of property.
- Member Rangarajan read aloud the October 27, 2025, letter sent by resident Sara Ashman and addressed to the ZBA.

The applicant was offered the opportunity to rebut and/or address statements made by residents and interested parties. He stated that the Village's zoning is "new" and therefore does not apply to his lot.

Member Whalen motioned to close the public hearing. Member Rangarajan seconded. All Members present voted aye.

Board Discussion of Variance Request:

Member Whalen raised the question of whether an authorized individual has made the variance request, noting the point raised by Mr. Cuykendall. Chair Olson read aloud from the LUDC Section 423: Parties Who May Appeal:

"Appeals may be filed by any officer, department, board, or bureau of the Village, or by any person aggrieved by an action of the Code Enforcement Officer. Any party may appeal to the Zoning Board of Appeals if the action of the Code Enforcement Officer appealed from affects adversely a property right or other legal interest of the applicant."

Mr. Varn was questioned as to who is the legal owner of the lot in question; he replied that the title is in his wife's name (Jean Burns). Members discussed whether Mr. Varn has a property right or legal interest in the case given that he does not own the lot. Members discussed how to proceed, including whether the variance application would need to be restarted or the public hearing would need to be reopened, and proposed requesting that Mr. Varn provide a signed affidavit from Jean Burns authorizing him to pursue this variance request. Mr. Varn quipped that he would forge her signature.

Member Whalen motioned to recess and reconvene at the next possible date that meets quorum and public notice requirements to continue discussion of the case, contingent upon Mr. Varn submitting a signed form showing that he is a legal agent for Jean Burns in this matter, and that in the meantime, Chair Olson would contact the Village's legal representation for clarification on how to proceed. Member Griffith seconded. All Members present voted aye.

Chair Olson motioned to request that Mr. Varn provide the requested document within three business days. Member Whalen seconded. All Members present voted aye.

December 18, 2025, was tentatively selected as the next meeting date.

New Business:

No new business was discussed.

Meeting Adjournment:

Member Whalen made a motion to adjourn, which was seconded by Member Rangarajan. All Members present voted Aye. The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Kristen Olson,

Chairperson, Zoning Board of Appeals

Next regularly scheduled meeting: Monday, March 2, 2026.