

VILLAGE OF FREEVILLE
ZONING BOARD OF APPEALS
MEETING AGENDA
January 13, 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 Tuesday, January 13, 2026

Call to Order:

The meeting was called to order at 7:00 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

Julia Wallace, Village of Freeville Clerk

Ralph Varn, Applicant, as Legal Representative of Jean Burns, owner of 0 Groton Avenue

Residents: Cynthia Cuykendall

Approval of Minutes:

Member Whalen motioned to approve the minutes from the previous meeting (December 8, 2025), seconded by Member Griffith. All Members present voted Aye.

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

Chair Olson motioned to continue discussion of the variance request made by Ralph Varn dated July 7, 2025. Member Rangarajan seconded. All Members present voted aye.

Member Whalen stated that the ZBA decision should be grounded in the Village's Comprehensive Plan and summarized relevant points from the plan for the ZBA to weigh in evaluating the request: that there is a stated interest in developing more housing, that the Village has no municipal water system and therefore no fire hydrants, and that residents value the Village's existing rural, small-town character.

Member Whalen then led a discussion of the "single and separate ownership clause" as it is used in the Village of Freeville Land Use Development Code (LUDC) and how it has been interpreted in case law in New York State. Member Whalen pointed out that at the time the LUDC was adopted in 1987 and amended in 2022, the lot in question was owned jointly with the parcel at 36 Main Street (which it abuts along part of its south lot line), and that as a result, the two lots (which are both nonconforming), should have been considered a single lot under Section 415 of the LUDC. Member Whalen posited that the sale of 0 Groton Avenue separate from 36 Main Street was illegal or improper from a zoning point of view.

The ZBA discussed this issue and ultimately concluded that the legality or propriety of the sale of 0 Groton Avenue to the current owner is moot, that there does not appear to be a procedural mechanism for “correcting” the purported error in selling it separately from 36 Groton Avenue, and that the ZBA’s role in this case is to evaluate the variance application at hand.

Member Whalen summarized other facts of the case and considerations, including the minimum side yard setback required per the LUDC, the amount of requested variance, the five-point test that the ZBA must consider, and the provision in NYS Village Law that the ZBA shall grant the minimum variance that it deems necessary and adequate while preserving the character of the neighborhood and the health, safety, and welfare of the community.

Member Whalen then proposed that the ZBA consider granting a minimum variance of five (5) feet that would allow the Applicant to construct an approximately 15-foot-wide, single-family residence on the lot. He presented the following points as evidence that a 15-foot-wide residence would be feasible:

- The Applicant’s legal representative has showcased on his business’s website (ithacacustomhomes.com) plans for a 14-foot-wide freestanding structure containing a garage and residence.
- An internet search yielded numerous architectural designs of narrow houses suitable for attenuated lots. As an example, Member Whalen provided printed plans for a 15-foot-by-60-foot Craftsman style residence.

Member Whalen shared three site plans showing the buildable area that would be created under three different variance and siting scenarios taking a five (5)-foot variance into account.

As part of the discussions summarized above, Member Whalen provided handout materials that included the Tompkins County tax map sheet showing the property in question; excerpts from relevant sections of the LUDC, New York State law, and case law; plans for a narrow house obtained from the Applicant’s business’s website; House Plan 44636 obtained from familyhomeplans.com; a written proposal and justification for a five (5) foot minimum variance; and the aforementioned three site plans.

Members present agreed that a five (5) foot minimum variance appeared reasonable and discussed whether relief should be provided to the side yard setback requirement along the north or south lot lines, or both. The ZBA concluded that it is likely that a new residence will be constructed on the now-vacant lot abutting the lot in question to the north (10 Groton Avenue), and that the required 25-foot setback should therefore be maintained along the north lot line. Due to the dimensions of adjoining lots to the south (2 Groton Avenue, 36 Main Street, and 34 Main Street) along with the placement and orientation of their primary structures towards Main Street, the ZBA concluded it is less

likely that additional structures will be built on those lots that would be sited closer to their north lot lines. Therefore, the ZBA agreed that granting relief along the south lot line of 0 Groton Avenue would serve the interests of adding housing to the village while considering fire safety.

The ZBA discussed the five test factors in weighing the requested variance and the proposed five (5)-foot minimum variance:

1. To the question of the substantiality of the variation in comparison to the requirement, the ZBA found that the requested variance, representing a nearly 64% reduction in setback, is substantial, while the minimum variance of five (5) feet represents a 20% reduction, which is not substantial.
2. To the question of the potential effect of increase in population density, intensity of development, or generation of traffic (i.e., undesirable change) the ZBA found no effect because addition of traffic and density from a single-family residence is minimal.
3. To the question of whether the variance would result in a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties, the ZBA found no substantial change or detriment because a narrow, single-family house is in keeping with immediate character of Groton Ave and much of Main Street. The ZBA further found that although fire is a legitimate concern in the village in general due to the lack of fire hydrants, and the variance as requested would have exposed adjoining properties to an increased fire hazard, the variance as granted is not a substantial detriment to adjoining properties because the required north side setback (where future new construction is more likely) would be maintained and relief would be provided to south side setback where development of accessory/other structures is less likely and existing structures are sited at a greater distance.
4. To the question of whether the benefit sought by the Applicant can be achieved by a feasible alternative, the ZBA found that there is no reasonable alternative because a 9-foot-wide house (meeting the required side yard setbacks) is not tenable and because the Applicant would not be able to acquire land from adjoining properties because those properties are either already nonconforming, or because the consolidation and re-subdivision would result in nonconforming lots, the creation of which is prohibited under the LUDC.
5. To the question of whether the alleged hardship or difficulty was self-created, the ZBA found that it was self-created, because the current zoning regulations were in effect and known by the Applicant when the property was purchased.

Member Lampman raised the issue of the threat of lawsuit made by Freeville Fire Department Chief Mike Parker at the December 8, 2025, meeting. Chair Olson stated that she and Village Clerk Julia Wallace discussed this issue with the Village's legal counsel and Ms. Wallace

clarified that ZBA members acting within the scope of their authority are protected to an extent by the Village.

Member Whalen polled the ZBA on whether anyone wished to ask the opinion of the Applicant on the proposed minimum variance. Responses were in the negative.

Chair Olson moved that the ZBA grant a dimensional (area) variance allowing a side yard setback not less than 20 feet from the south lot line (meaning the side closest to Main Street) for tax parcel #4.-2-4 in the Village of Freeville. Member Whalen seconded. The roll call of votes was as follows:

Chair Kristen Olson	Yea
Member Michael Whalen	Yea
Vice Chair Anu Rangarajan	Yea
Member Marcus Griffith	Yea
Member David Lampman	Yea

The motion passed unanimously.

Meeting Adjournment:

Member Rangarajan made a motion to adjourn, which was seconded by Member Griffith. All Members present voted Aye. The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Kristen Olson,

Chairperson, Zoning Board of Appeals

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