

July 10, 2025
7:00PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Janet Brown, David Kresge & Paula Wilcox (alternate)

Excused: Jack Legg

Others Present: Bill Carrigg, Planning & Zoning Administrator

Chairman Phelps called the meeting to order at 7:00pm. The minutes from the regular Zoning Board of Appeals meeting held June 5, 2025 were considered. Mrs. Brown made a motion to approve the minutes as written, seconded by Ms. Wilcox. All in favor.

Appeal No. 2161

The Board visited Appeal No. 2161, a request by Susan Bock for an Area Variance for a pool at 3 Newberry Drive, Endicott.

Appearances: Susan Bock, Applicant

Exhibits: Application for an Area Variance dated June 23, 2025

Mr. Carrigg introduced the project Appeal No. 2161 being brought forward by Susan Bock. Ms. Bock had a swimming pool constructed on her property at 3 Newberry Drive, Endicott, Tax Map No. 143.09-2-4, in July of 2024. Mr. Carrigg continued to state that Ms. Katina Ruffo, also the owner of the property, applied for a building permit and provided a site plan that showed a 6ft side yard setback from 1 Newberry Drive, Endicott. When Ms. Bock applied for an additional building permit in April 2025 to construct a freestanding pool deck, it was brought to the Planning and Zoning Offices' attention that the pool may be on the wrong property or too close to the property line. Mr. Carrigg stated that William's and Edsall completed a subsequent survey that noted the pool was 3.8ft away from the property line between 3 Newberry Drive & 1 Newberry Drive. Ms. Bock is requesting an area variance of 2.2ft under Chapter 125, Article V, Section 125.13, Subsection A(3b1), of the Town of Owego code.

Mr. Carrigg stated this is a Type II action under SEQR, no further review required.

Chairman Phelps read an email sent by Jim Boehlert of 217 Ridgefield Rd, stating that he has no issue with the location of the pool.

Mr. Carrigg explained he received a telephone call from a neighbor to the south of the property, opposite side of where the pool was. Mr. Carrigg stated the neighbor had no comment as the pool does not affect him.

Chairman Phelps opened the public hearing. No one wished to speak and the public hearing was closed.

Chairman Phelps opened the meeting for questions from the board.

Chairman Phelps invited Ms. Bock to explain her appeal request.

Ms. Bock stated she measured from where she was told the property line was and where the neighbor stopped mowing. Ms. Bock stated her neighbor, whose back yard abuts to her side yard, had no comment at the time the pool was erected. Ms. Bock explained when she began construction for the pool deck, the neighbor began yelling at her contractor. Ms. Bock stated she went to her neighbor's house to talk to her and ask how the situation could be resolved and the neighbor told her she let the pool go but would not let the deck go. Ms. Bock stated the neighbor became unapproachable and would not discuss a resolution.

A brief discussion was had regarding that the code department does have building plans on file for the pool deck, however, this appeal is for the pool to remain where is it and that if the appeal is approved, the pool deck cannot be any closer to the property line and cannot be on that side of

the pool. It was stated that the pool is 18ft across and the pool deck will be closer to the house and will be less than half the size of the pool and has to be a minimum of 6ft from the property line.

Mr. Carrigg explained the process of obtaining a building permit for a pool, the homeowner supplies a plot plan showing setbacks to property line. The code department are not surveyors and if a complaint comes in that is when a survey would be requested. The applicant has a right to apply for an area variance if the survey shows they are too close to the property line. Whether the board approves or denies the request, the pool still needs to be in zoning compliance, which if denied, the pool would need to be moved.

Mrs. Brown asked if the neighbor was complaining about the pool. Ms. Bock replied no, she is complaining about the deck.

Ms. Bock explained this was an honest mistake and she was unsure if she measured wrong or the pool company, but it was unintentional.

Ms. Wilcox asked if the deck would be built away, not toward, the property line and what size deck would be built. Ms. Bock replied yes, the deck would be built away from the property line and would be around 12ft by 10 or 12ft.

Mr. Kresge made a motion to accept Appeal 2161.

Seconded by Mrs. Brown. 3 yes and 1 no. Carried.

Reference:

Appeal No. 2161 dated June 23, 2025

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall, 2354 State Route 434, Apalachin, New York:

To: Susan Bock, 3 Newberry Drive Endicott, NY 13760

At a meeting of the Zoning Board of Appeals held the 10th day of July 2025, the above referenced appeal was considered and the Board by resolution GRANTED your request for an Area Variance pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 10th day of July 2025, on notice according to the law, at which Susan Bock appeared and gave testimony to questions put forth to her by this Board; and

WHEREAS, Ms. Bock desires a variance of 2.2 feet for the left side yard to keep, where it is already located, a pool at her home at 3 Newberry Drive, Endicott, NY; and

WHEREAS, Ms. Bock desires to build a deck around the pool; and

WHEREAS, Ms. Bock states the pool deck will meet the Town of Owego zoning setback requirement of 6 feet minimum from the property line; and

WHEREAS, Ms. Bock states the pool deck will be built away, not toward, the neighboring property line;

NOW, THEREFORE, be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested an Area Variance of 2.2 feet for the left side yard to keep a pool where it is already located at her home;
2. Property is located at 3 Newberry Drive Endicott, NY;
3. Property is situated in an Residential B(RB) zoning district;

And be it further

RESOLVED, the application for an Area Variance is hereby GRANTED.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

With there being no further business, the meeting was adjourned at 7:11PM.

Respectfully Submitted,

Tina Tammaro, Secretary
Zoning Board of Appeals