

March 27, 2024

ZBA minutes

**TOWN OF LEWISBORO**  
**Westchester County, New York**

**ZONING BOARD OF APPEALS**  
**TOWN OF LEWISBORO**  
**MINUTES**

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, March 27, 2024, at 7:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, New York.

Board Members Present: Robin Price, Jr. Chair  
Thomas Fischetti  
Carolyn Mandelker  
Daniela Infield

Board Member Absent: Todd Rendo

Also Present: Donna Orban, Secretary

Absent: Kevin Kelly, Building Inspector

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The Meeting was called to order at 7:31 P.M. Mr. Price introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, April 24, 2024.

**I. Review and adoption of the Minutes of February 28, 2024.**

The Board reached consensus to approve the meeting Minutes for February 28, 2024. Mr. Fischetti made a motion to approve the minutes. The motion was seconded by Ms. Infield. To approve: Mrs. Infield, Ms. Mandelker, Mr. Price, and Mr. Fischetti. To Abstain: none.

**II. PUBLIC HEARINGS**

**CAL. NO. 02-24-BZ**

**Application of The Wolf Conservation Center, Inc., [Wolf Conservation Center, Inc., owner of record], 7 Buck Run, South Salem, NY for the following variance Under Section 220-12(E)(1) of the Zoning Code of the Town of Lewisboro (the "Zoning Code"), fences within the required yard area are not permitted to exceed six (6) feet in height. The wolf enclosure fencing varies in height from approximately eight (8) feet to approximately eleven (11) feet. Portions of the wolf enclosure fencing which encroach into the required yard as identified on the Area Variance Exhibit I, in the Zoning Office require area variances from Section 220-12(E)(1) of the Zoning Code to permit an increase in the permitted height of the fences within a required yard from six (6) feet**

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**(permitted) to eleven (11) feet (existing and proposed) from the Zoning Board of Appeals.**

**The property is located on the north side of (#7) Buck Run, South Salem, NY designated on the Tax Map as Sheet 21, Block 10803, Lot(s) p/o 3, 65, 67, 81, 82, 83, 84, 86, and 88, in an R-2A/4A, Two-Acre Residential District (Lots 65, 67, & 81), plus roadbed ( Lots p/o 81, 84, 86, & 88) and Four-Acre Residential District (Lots p/o 3, 82, & 83) consisting of approximately 33.1 acres.**

There was no objection to the public notice.

Ms. Janet Giris, Attorney, was present.

Mr. Spencer Wilhelm, Wolf Conservation Center Representative, was present.

Mr. William Cordiano, Wolf Conservation Center, Board Member, was present.

Mr. Price commented that three of the Board members did a site visit on Saturday, March 23<sup>rd</sup>, to understand what the variances are about.

Ms. Giris introduced herself and noted that she is representing the Wolf Conservation Center. Ms. Giris explained that the Wolf Conservation Center project had been started around 1999. This project is approaching the final stages of a lengthy approval process for improvements to the property, which began in the early 2000's. The Wolf Conservation Center has been able to acquire additional properties over the years, which have been added to the scope of the project. A new education building has been proposed and are working with the Planning Board. During the course of getting approvals and the surveying process it was determined that some of the fencing and wolf enclosures encroach into the setback. There are two sets of fencing, interior and exterior which range in height from eight feet to eleven feet. The fences must be committed to eight feet to eleven feet but have to be outside of the setback, the setback is 50 feet and can only allow six feet in height. Ms. Giris states that it is believed that it was a surveying error when the fences were erected. An exhibit with the survey and the areas where the fences encroach the setback have been provided. Ms. Giris stated that in the submission packet a Statement of Principal Points was included.

Mr. Price asked how long the fence has been established in the present location?

Mr. Wilhelm replied that 2003 is where one part of the fence was established. Mr. Wilhelm referred to the map as to other fence locations which were established in approximately 1999, another section was established in 2005 and referred to other locations of the fence that he was involved in.

Ms. Giris commented that the property had been recently surveyed.

Ms. Infield commented that having walked the property at the site visit, she could understand that without a surveyor with you, a mistake with the setback lines could easily be made.

Mr. Price commented that it appears that the neighboring landowners are Old Field Preserve, United States, and Mr. Murray.

Ms. Infield commented that Mr. Murray had submitted a letter of approval.

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Mr. Price asked if any of the members of the Board wanted to comment.

Ms. Mandelker commented that there did not appear to be any impact on the neighborhood or the environment, there does not appear to be a major concern.

Mr. Fischetti commented that the Wolf Conservation Center brings many benefits to the community and globally.

Ms. Giris commented that fencing is inspected on a daily basis, the federal government does an inspection four times a year.

Ms. Infield commented that she has no objection to the project with the fence, there is not going to be a negative outcome.

Mr. Price asked if anyone from the public wanted to comment.

Ms. Weinzapfel and Mr. Demartino, Hunt Farm Road, Waccabuc, commented that they have positive experiences with the Wolf Conservation Center.

Mr. Price shared the letter of support from the neighbor, Mr. Murray.

Mr. Price commented that he did not have any issues with this application. The fences look good and there have not been any complaints. Mr. Price asked if a Board member would make a motion to approve the application based on the five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board found that the difficulty was not self-created entirely, could have been self-created in the placement of the fence by accident, but not intentional, but it will not have any bearing on the vote.

Ms. Mandelker made a motion to approve the application. Ms. Infield seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Fischetti and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that the application was approved.

**CAL. NO. 03-24-BZ**

**Application of Pamela Weinzapfel, [Weinzapfel-Demartino Revocable Trust, owner of record], 40 Hunt Farm Road, Waccabuc, NY for the following variance of the proposed kitchen addition to an existing residence has a 26.78' rear yard setback whereas 30' are required in a R-1 AC-Conservation zone per Article IV section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code therefore requiring a rear yard variance of 3.22'.**

**The property is located on the north side of (#40) Hunt Farm Road, Waccabuc, NY designated on the Tax Map as Sheet 020A, Block 10801, Lot 140, in an**

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**R1CON, Residential One-Acre Conservation District consisting of approximately 0.480 acres.**

There was no objection to the public notice.

Ms. Weinzapfel & Mr. DeMartino, property owners, were present.

Ms. Weinzapfel presented the application. Ms. Weinzapfel explained that the project of an addition to their home began in November 2022. In July 2023 they received approval from the Architectural Committee of Hunt Farm. The Building Inspector found that the survey did not show the location of the setback requirement in the correct location. Ms. Weinzapfel explained that the setback was shown from the middle of the addition to the property line. It was pointed out that was not the spot as to where the measurement should have been taken. The measurement should have been taken from the corner of the proposed addition. A new survey was done on the property. Ms. Weinzapfel stated that they spoke with the next-door neighbors and letters of support were given to the Zoning office.

Mr. Price asked for clarification as to which corner of proposed addition is being requested for a setback variance?

Ms. Weinzapfel explained that the left side of the proposed addition will not need a variance, the right side is where a variance is requested.

Mr. Price asked if there were any comments from the Board.

Ms. Mandelker stated that this is not a substantial variance, there will not be any impact on the neighborhood, no impact on the environment, this is a minor variance being requested.

Ms. Infield commented that the addition is modest in size, which will improve the home and the neighborhood. It appears that no neighbors will be affected by the addition.

Mr. Price read the two letters of support from the neighbors, Harrington and Bonaros.

Mr. Price asked if anyone from the public wanted to speak. There was no comment.

Mr. Price asked if a Board member wanted to make a motion to approve the application based on the five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board found that the difficulty was partially self-created due to not knowing where the line was.

Ms. Infield made a motion to approve the application. Ms. Mandelker seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Fischetti and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that the application was approved.

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**III. CORRESPONDENCE & GENERAL BUSINESS**

Ms. Orban explained to the Board that the Town offices have been given new email addresses, and they are to be used immediately. The Board members will be given new email addresses that they are to use. Board members are not to use their personal email addresses for Zoning or any Town correspondence. A discussion about the Public Notice was addressed as to who will be responsible for submitting it to the paper. It was also discussed that the applicant would send the public notice to the abutters via certified mail. The applicant will have an affidavit notarized and submit to the Zoning secretary for the file.

**IV. NEXT MEETING**

**April 24, 2024**

**V. ADJOURN MEETING**

Mr. Fischetti made a motion to adjourn. Ms. Infield seconded the motion. The board reached consensus to adjourn the meeting at 8:10 P.M.

Respectfully submitted,

Donna Orban

Secretary, Zoning Board of Appeals