

VILLAGE OF WARWICK  
ZONING BOARD OF APPEALS

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RESOLUTION of Variance Determination upon Application  
of JAMES MCATEER and CHRIS KIMIECIK

Decision and Order

28 Wheeler Avenue  
Tax Map SBL 207-2-26

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At a meeting of the Village of Warwick Zoning Board of  
Appeals duly convened on January 27, 2026 at 7:00 p.m.

Present: John Graney, Chairman  
Wes Burley, Member  
Nikki Delille, Member  
Margaret Politoski, Member

Absent: John Prego, Member

**MOTION** made by J. Graney, seconded by W. Burley, and the following voting in favor:

ALL members present, and the following voting in opposition: NONE, to open the public  
hearing in the above-referenced matter:

This is an application filed by James McAteer and Chris Kimiecik (“Applicants”) for an  
area variance from the Village Zoning Code with respect to the property located at 28 Wheeler  
Avenue, Warwick, New York, designated on the Village tax map as Section 207, Block 2, Lot  
26, and located in the Residential Zoning District to:

A. Allow a Floor Area Ratio of 33%, increased from the cap of 25%

The variance is sought for the purpose of constructing an addition to the existing home in  
place of a previously existing deck.

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Chris Kimiecik appeared on behalf of both Applicants and presented their proposal for the expansion of the Floor Area Ratio. The proposal is to remove an existing wood deck and to replace it with a 2-story one-bedroom addition and an enclosed porch. The overall footprint of the property would actually be less than half of the original wood deck, but it would result in the interior Floor Area Ratio increasing over the current cap of 25% to 33%. The proposal would add a third bedroom and second bathroom to the existing single-family residence, would square off the rear of the residence and include the removal of an existing portion of the house with a failing foundation.

The Board and attendees were invited to ask further questions or share comments, and no objections or comments were made by the public. No correspondence was received by the Board in connection with the instant application.

**MOTION** made by J. Graney, seconded by W. Burley, and the following voting in favor: ALL members present, and the following voting in opposition: NONE, with J. Prego absent, to close the public hearing.

The Board discussed the level of SEQRA review and determined that the application was previously determined by the Village Planning Board to be a Type II action and no further review was required.

**MOTION** made by N. Delille, seconded by J. Graney, and the following voting in favor: ALL members, and the following voting in opposition: NONE, with J. Prego absent, the following resolution was adopted:

Following the conclusion of the public hearing, the Board makes the following findings:

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**RESOLVED**, that this application has previously been designated as a Type II under the State Environmental Quality Review Act and no further environmental review is necessary; and it is further

**RESOLVED**, that with regard to requested area variance to increase the Floor Area Ratio for the property from 25% to 33%, the following findings are hereby made:

A. Pursuant to proper notice, a public hearing was convened at the Warwick Village Hall on the 27th day of January, 2026 at 7:00 p.m. Kristin Bialosky, Secretary of the Zoning Board of Appeals, confirmed that she had received proof that the necessary notices of the public hearing had been mailed to the neighboring property owners, and that the required newspaper publications and conspicuous postings of the notice had timely occurred.

B. Following the motion to close the public hearing, the Board proceeded to deliberate in open session on the Application.

C. Based upon the oral testimony and evidence in the record, the Board renders the following conclusions with respect to the area variance sought in the instant application:

i. that the benefit to the Applicants cannot be achieved by other means feasible to the Applicants due to the layout of the Property;

ii. that there will be no undesirable change in neighborhood character or detriment to nearby properties;

iii. that the requested area variance is substantial with respect to the increase in the Floor Area Ratio;

iv. that the request does not have any adverse physical or environmental effects;

v. that the alleged difficulty to the Applicants is self-created; and

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vi. that the benefit of the requested relief to the Applicants would outweigh the potential detriment, if any, to the health, safety, and general welfare of the community.

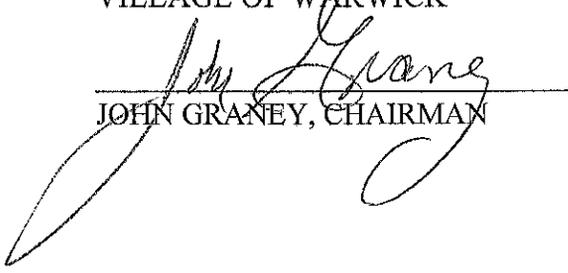
Based on the foregoing, it is hereby

**RESOLVED**, that the requested Area Variance is hereby **GRANTED**.

The foregoing is the Decision and Order of the Zoning Board of Appeals.

Dated: February 9, 2026  
Resolution Approved:

BY ORDER OF THE ZONING  
BOARD OF APPEALS OF THE  
VILLAGE OF WARWICK

  
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JOHN GRANEY, CHAIRMAN

I, Raina Abramson, Village Clerk, do hereby certify that the foregoing Determination was filed in the Office of the Village Clerk on February 9, 2026, and copies provided to the Building Inspector and emailed to the Applicant.

  
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RAINA ABRAMSON, CLERK  
VILLAGE OF WARWICK, NEW YORK