

November 12, 2024
Revised June 6, 2025

MEMO

TO: Village of Warwick Planning Board
Applicant

CC: Kristin Bialosky, Planning Board Clerk
Keith Woodruff, Village Engineer

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of John Peruso
24 Wheeler Avenue
207-2-24

The applicant last appeared before the Planning Board in November of 2024 seeking an accessory dwelling unit. The applicant has modified his application seeking a two family dwelling within an existing structure. New material is found in bold.

Comment	Status
1. The Property is located in the Residential Zone and the Limited Office Overlay (LO)	For Information
2. Applicant to verify distance to Route 94 & 17A to determine whether GML 239 applies. The project appears to be within 500 feet of Route 94 & 17A, triggering the requirements for 239 review.	
3. 6-10-2025 – A two-family detached residences is a permitted use in the R and LO and is use group “g.”	For Information
4. Application is subject to a public hearing. See § 145-93	For Information

<p>The Planning Board shall require the applicant to mail notice by certified mail of said hearing to applicant at least ten days before such hearing and to all property owners within three hundred feet (300') of the property line of the applicant's property and shall give public notice of said hearing in a newspaper of general circulation in the Village at least five days prior to the hearing.</p>	
<p>5. I note the comment memorandum of Keith Woodruff, dated November 5, 2024 and June 6, 2025</p>	
<p>6. Application Comments</p> <ul style="list-style-type: none"> • Title appears in two names; both record owners to sign application and/or proxy. • Recommend the applicant provide a written narrative describing the project and the scope of construction. 	
<p>7. SEQR: Applicant has provided a short form environmental assessment form dated September 10, 2024. The proposed action appears to be an unlisted action.</p> <ul style="list-style-type: none"> • EAF to reflect application for two-family • Applicant to address yes answer to question 12(b) • Applicant to address yes answer to question 20. • Applicant to address impacts of stream shown on Plan. 	
<p>8. The current site is a pre-existing non-conforming site with respect to virtually all required setback dimensions. The applicant should be referred to the Zoning Board of Appeals pursuant to § 145-131 (E). Although § 145-131(E)(3) provides for reduction in yards for lots less than 100 feet wide, the lot in question fails to meet even these reduced standards.</p>	
<p>9. The existing single family use falls under the less restrictive use group “b.” The conversion to two family therefore increases the extent of nonconformity and the following variances are required even though they are pre-existing.</p>	

<ul style="list-style-type: none"> • Front yard • Front yard setback • Side setback • Total side setback • Min side yard • Street frontage <p>Rear yard, rear setback, lot depth are the same as use group b.</p>	
<p>10. Village Engineer to confirm need for area variance in connection with development coverage.</p>	
<p>11. Both units are required to be a minimum of 900 square feet.</p>	

These comments represent a preliminary analysis of the materials submitted. Additional comments may arise with future submissions.