

July 8, 2025  
Revised December 9, 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 Tim and Amy Smith  
25 Park Avenue  
214-5-3


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I have reviewed the application of Tim and Amy Smith to permit construction of a single-story addition. As is my customary practice, this is a running memorandum and comments in response to the most recent submission are found in bold. In preparation of this memorandum, I have reviewed:

- **ZBA decision and order dated October 28, 2025, signed November 18, 2025**
- **Revised Site Plan prepared by John McGloin, PLS, last revised November 18, 2025**
- Application, signed May 20, 2025
- Survey prepared by John McGloin, dated June 14, 1990, last revised May 5, 2025

I offer the following comments:

Comment	Status
1. The Property is located in the R zoning district. Single-family homes are a permitted use and fall under use group “b”.	For Information
2. I note and concur with the comments of Keith Woodruff, dated June 6, 2025.	

3. The proposed addition requires site plan approval because it does not comply with the bulk table. See § 145-90 (1). The proposed addition will require an area variance reducing the side yard set back from 20 feet to 7.4 (a variance of 12.6 feet).	For Information
<b>12-9-2025 – Variance granted.</b>	
4. A public hearing is required (See § 145-93). Applicant shall mail notice of public hearing at least ten days before the public hearing to property owners within 300 feet of the site.	For Information
5. SEQR: This action is a Type II (See 6 NYCRR 617.5 (c) (11) and no further environmental review is required	For Information
6. The application is not subject to GML 239 review	For Information
7. The subject site is a corner lot pursuant to § 145-54. Applicant to designate which yard is the side yard and rear yard and note such designation on the site plan. At present, it appears it is the intention that the addition be located in the side yard.  Site plan to be corrected to note 30' front yard set back. This revision may be a condition of approval.	
 <p>The diagram is a site plan for a corner lot. Parkway Avenue runs diagonally across the top. A sewer line runs parallel to it, with a 'SEWER LINE MARK' and 'APPROXIMATE LOCATION OF SEWER LINE' indicated. A gas valve is marked with a 'GAS VALVE' label. A red rectangle highlights a '30' SIDE YARD SETBACK' area. Other labels include 'N 80°50'00" E', 'DECK', 'R=10', and '191.91'.</p>	
8. Building Inspector confirmed garage is pre-existing non-conformity. 145-62 requires a separation of 15 feet between principal and accessory structures. Provided the proposed addition does not increase the existing	

non-conformity, a variance from 145-62 will not be required. Applicant and engineer to confirm.	
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Next action: Set and notice public hearing for site plan approval.