

September 9, 2025  
Revised February 9, 2026

## 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 Emily Enderes and Matthew Morales for a two story addition located at 23 Wheeler Avenue.  
SBL 207-5-7, 8

I have reviewed the application of Emily Enderes and Matthew Morales for a two-story addition located at 23 Wheeler Avenue. The applicant was referred to the Zoning Board of Appeals for several area variances which were granted. This memorandum is intended to be a running memorandum so new material is found in bold. I offer the following comments:

Comment	Status
1. The Property is located in the CB zoning district. Single family homes are a permitted use and fall under Use Group "b" for the bulk requirements.	For Information
2. Application is subject to GML 239 due to its proximity to Route 17M  <b>2-10-2026 – OCDP responded via letter dated September 26, 2025 with a local determination. The comments shall be made conditions of approval.</b>	For Information
3. The instant application is before you because the proposed addition requires a variance of the side yard setback and the total side yard setback. Pursuant to 145-90(1),	For Information

applications which do not conform to the Village’s bulk requirements are subject to site plan review.	
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: The proposed action is a Type II action pursuant to 6 NYCRR 617.5(c)(11).	For Information
<b>Plan Comments</b>	
6. I have reviewed the comments of Keith Woodruff dated September 3, 2025 and concur with the same.	For Information
7. The application identifies two lots but treats them as one lot for the purposes of the bulk requirements. Together the minimum lot area is less than required (18,122 SF where 20,000 SF) is required. I recommend the lots be formally merged with the assessor into one tax parcel.  <b>2-10-2026 - Lots have been merged into a single lot. SBL 207-5-8.2</b>	
8. The Applicant relies on 145-131 for reduced bulk requirements for existing lots less than 100 feet in width. I note that pursuant to § 145-131(E), the applicant is permitted to reduce the total width of both required side setbacks by nine (9) inches for each foot that the lot width is less than that specified in the bulk table. It appears that the lot is 11 feet narrower and thus the applicant is permitted to reduce the total side yard set back by 8.25 feet. Engineer Woodruff to confirm. This would still require a variance, albeit smaller.	Comment Satisfied.
9. The proposed addition appears to require the following variances: <ul style="list-style-type: none"> <li>• Side set back</li> <li>• Total Side Setback</li> <li>• Side yard</li> <li>• Distance between accessory structures (145-62(B)).</li> </ul>	Comment Satisfied.

I ask Engineer Woodruff to verify the distances per comment 8 above.	
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<b>2-10-2026 – Variances were granted as per the decision and order of the Zoning Board of Appeals dated January 9, 2026.</b>	
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**Recommended Action – Set public hearing.**