September 5, 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 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. I offer the following comments:

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| **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 |
| 1. Application is subject to GML 239 due to its proximity to Route 17M
 | For Information |
| 1. 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), applications which do not conform to the Village’s bulk requirements are subject to site plan review.
 | For Information |
| 1. 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 |
| 1. SEQR: The proposed action is a Type II action pursuant to 6 NYCRR 617.5(c)(11).
 | For Information |
| **Plan Comments** |  |
| 1. I have reviewed the comments of Keith Woodruff dated September 3, 2025 and concur with the same.
 | For Information |
| 1. 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.
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| 1. 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.
 |  |
| 1. The proposed addition appears to require the following variances:
* Side set back
* Total Side Setback
* Side yard
* Distance between accessory structures (145-62(B)).

I ask Engineer Woodruff to verify the distances per comment 8 above.  |  |

Recommended Action – Refer the application to the Zoning Board of Appeals for action on the requested area variances and refer to OCDP for 239 review. I recommend a joint referral for both the ZBA and Planning Board.