

**PLANNING BOARD  
VILLAGE OF WARWICK  
May 13, 2025  
Minutes**

**LOCATION:  
VILLAGE HALL  
77 MAIN STREET, WARWICK, NY  
7:30 P.M.  
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, May 13, 2025, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairman Jesse Gallo, Board Members: Bryan Barber, Scot Brown, Bill Olsen, and Alternate Vanessa Holland. Board member Kerry Boland and PB Engineer Keith Woodruff were absent. Also, present was the Planning Board Clerk, Kristin Bialosky and PB Engineer Alternate Jane Samuelson, Alternate Engineer Kelly Moorhead and Planning Board Attorney Elizabeth Cassidy. Dana and Ray Micelli, Helen and Clemit Truitt, Chris Kimieck, James McAtterr, and Tom McKnight, were also present.

Acting Chairperson, Bill Olsen called the meeting to order and led in the Pledge of Allegiance. The Planning Board Clerk, Kristin Bialosky held the roll.

**Acceptance of Planning Board Minutes**

A **MOTION** was made by Scot Brown, seconded by Bryan Barbar and carried for the Acceptance of Planning Board Minutes: April 8, 2025.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye      Bryan Barbar Aye      Kerry Boland Absent  
Scot Brown Aye      Vanessa Holland Aye      Bill Olsen Aye

**Applications**

1. **10 Cottage Street – Clement and Helen Truitt II-**  
<https://villageofwarwick.org/10-cottage-street-subdivision-truitt-ii/>  
**Subdivision Application**

**Discussion:**

The applicant appeared before the Planning Board to discuss the proposed subdivision of a large lot, with the intent of selling a portion of the property for the construction of a future single-family home. It was clarified that there are currently no plans to build on the vacant lot, and that the subdivision would create two lots consistent with the character and layout of other properties

on the block. It was noted that a previous owner had subdivided a larger parcel in the past. For visual and conceptual purposes, a mock-up of a potential building footprint had been provided earlier, though no architectural plans are being submitted at this stage. Discussion then turned to the engineering comments, particularly related to compliance with zoning requirements. The proposed subdivision would result in multiple nonconformities under the zoning code—including lot area, width, setbacks, frontage, depth, and floor area ratio—which would require variances from the Zoning Board of Appeals (ZBA). The Planning Board discussed whether to send the application to the ZBA with or without a recommendation. While it was mentioned that some municipalities include a recommendation from their Planning Boards, it was also noted that this Board has historically not done so. Some members expressed concern about setting a precedent and felt that more time and internal discussion were needed before changing procedures. There was some debate about the benefit of including a recommendation. One board member stated that the proposed lots are consistent in size with surrounding properties and would support granting the variances, but others were hesitant to formalize an opinion without further deliberation. The issue of whether an existing gravel driveway was accurately represented on the map was also discussed, as well as whether esthetic or practical modifications to a proposed future driveway might be possible within setback constraints. A question was raised about an existing fence encroaching on the applicant's property, and it was suggested that an easement or agreement might be necessary to address that matter. Ultimately, the Planning Board decided to refer the application to the ZBA without a recommendation letter, maintaining their historical practice. It was noted that the board's attorney could draft a letter if that course was later decided, but several members felt it was more prudent to avoid complicating the process at this time. Additionally, the board determined that for SEQRA (State Environmental Quality Review Act) purposes, the review would proceed as an uncoordinated review, given the unlisted action status of the application. This would allow the ZBA to make its own determination independently without delay from a coordinated review process. A motion was made and passed to refer the applicant to the ZBA and proceed with an uncoordinated review under SEQRA.

### **10 Cottage St. Planning Board referral to ZBA and Uncoordinated SEQRA Review**

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland and carried for the Village of Warwick Planning Board to declare referral to the ZBA and an uncoordinated review for purposes of SEQR on this matter for the subdivision application.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye      Bryan Barbar Aye      Kerry Boland Absent

Scot Brown Aye      Vanessa Holland Aye      Bill Olsen Aye

2. **25 Main Street** –Dana and Ray Micilli  
<https://villageofwarwick.org/25-main-street-sweet-ds/>

## Change of Use Application

### Discussion:

The applicant is proposing to relocate their existing business to 25 Main Street, previously occupied by Kalida Jewelry. The new business will operate as an ice cream shop within the Central Business Zoning district. The Planning Board reviewed the application for a waiver of site plan approval and determined that the proposed use does not significantly increase the intensity of use on the site. There will be no exterior changes to the building other than a sign which has already been approved by the Architectural and Historic District Review Board. Interior updates will include painting, new flooring, installation of a counter, seating, and tables. The applicant confirmed use of two rear parking spaces, which, along with nearby municipal parking, satisfies parking requirements. There will be no significant change in water or sewer use, lighting, noise, or odor. The business plans to operate daily from 1:00 PM to 9:00 PM. All required building permits, including Department of Health approvals, will be obtained. The Planning Board found the application complete and appropriate for a waiver of formal site plan review.

### Waive Site Plan approval for 25 Main Street Change of Use

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland and carried to approve the waiver of site plan approval.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye      Bryan Barbar Aye      Kerry Boland Absent

Scot Brown Aye      Vanessa Holland Aye      Bill Olsen Aye

3. 28 Wheeler Ave –James McAteer & Christopher Kimiecik  
<https://villageofwarwick.org/28-wheeler-ave-two-family/>  
**Two - Family Dwelling Application**

### Discussion:

James McAteer and Christopher Kimiecik, residents of Florida and Warwick with experience in real estate and construction, presented a preliminary plan to the Planning Board to convert a single-family home into a two-family residence. They recently acquired the property, describing it as a charming house with character but requiring significant repairs, including a leaking roof and an eat-in kitchen detached from the foundation by approximately four inches. Upon assessment, the applicants found the house needed more work than initially anticipated. Their

goal is to improve the home while ensuring it fits harmoniously within the neighborhood, which includes multiple two-family homes and apartment complexes nearby. Located on a corner lot, the property presents specific zoning challenges, but the applicants aim to respect the adjacent single-family homes and surrounding context. They have engaged village officials to understand the process and are aware multiple zoning variances will be required. Rather than investing heavily upfront in engineering and detailed plans, they sought feedback from the Planning Board on their rough concept before proceeding to the Zoning Board of Appeals (ZBA) for variances. Their proposal involves retaining the existing house, except for removing the failing eat-in kitchen and a deteriorated deck, to be replaced by a new two-bedroom addition. This addition will not substantially alter the footprint but will require new footings and possibly a dormer to improve the headroom in upper-level rooms currently limited by the roof's pitch. The parking plan accommodates up to six cars, exceeding minimum requirements, with landscaping screening to be provided based on Chris's landscaping expertise. The applicants emphasized their plan aligns with the village's comprehensive master plan, which encourages additional middle- and low-density two-family homes. They acknowledged their application is incomplete but wished to confirm they are proceeding appropriately. The Planning Board noted site plan approval will be required since the proposed changes do not comply with bulk zoning regulations, including setbacks and lot coverage limits. The property is in the R zoning district with a Limited Office Overlay, permitting two-family residences under specific standards, particularly due to the corner lot's two front yards. The board advised clearly identifying front, side, and rear yards on the site plan. Discussion covered variances needed for lot area, lot width, front yard setbacks on both streets, rear and side yard setbacks, and development coverage percentage. Some variances relate to pre-existing nonconformities, while others are new and must be formally addressed. The applicants were advised to provide precise measurements for proposed additions to confirm compliance with the floor area ratio, which must not exceed 2.25. The new unit's livable floor area is expected to be about 900 square feet. A discrepancy was noted between plan measurements and the bulk table, such as the front yard setback recorded as 6.5 feet on one document but 16.7 feet on plans; the higher setback is preferable, and the applicants should clarify this before proceeding. Parking requirements were reviewed in detail. The code requires two parking spaces per dwelling unit; the applicants confirmed they can accommodate six on-site. Parking is allowed in any required yard, but the village must ensure intersection visibility on the corner lot is not obstructed. Street parking and nearby municipal lots were mentioned as supplemental options, with restrictions such as no overnight winter parking. The board acknowledged that visibility concerns are a site plan issue and can be addressed during that review. A small spring or water feature near the property was discussed but found not to impact the site. The board agreed to refer the application to the ZBA for necessary variances, subject to confirmation of measurements and variances by the applicants engineer prior to submission. Coordination between engineers was recommended to verify all technical details, ideally before the June 3 submission deadline. The motion to refer was seconded and approved unanimously, with the understanding that a more developed application will follow once variances are secured. The applicants expressed gratitude for the feedback and support. The discussion concluded positively, emphasizing the shared goal of making the property a beautiful addition to the neighborhood.

**28 Wheeler Ave Planning Board referral to ZBA**

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Village of Warwick Planning Board to declare referral to the ZBA on this matter for a two-family application.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye      Bryan Barbar Aye      Kerry Boland Absent

Scot Brown Aye      Vanessa Holland Aye      Bill Olsen Aye

4. **Yesterday’s – John Christison**  
<https://villageofwarwick.org/yesterdays-16-elm-st/>  
**Amended Site Plan Review**

**Discussion:**

The Planning Board held its final application discussion, reviewing the most recent materials and attorney and engineer comment letters. The applicant had submitted responses to the latest engineering memo. Planning Board Attorney Ms. Cassidy addressed her legal review, stating she had only a few comments. Ms. Cassidy, Esq. indicated that she would go through the resolution document, editing it as needed during the discussion.

RESOLUTION OF CONDITIONAL APPROVAL  
FOR AMENDED SITE PLAN  
FOR  
16 Elm Street – Yesterday’s Restaurant  
SBL 210-12-14

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**Nature of Application**

The owner is seeking amended site plan approval to address field changes made during construction, including amendments to proposed stormwater management facility plantings, reconfiguration of several improvements including HVAC units, dumpster enclosure, parking and replacement and relocation of part of the proposed fire access road with compacted gravel instead of asphalt pavement.

**Zoning District**

The property is located in the Light Industrial (LI) zoning district. The proposed use is a permitted use falling under Use Group K.

**Plans**

Application Materials being considered consist of the following:

1. Application and cover letter dated September 17, 2024
2. Site Plan prepared by Friedler Engineering, dated September 17, 2024, last revised April 24, 2025
3. Full Environmental Assessment Form dated December 20, 2024, last revised April 24, 2025.
4. Materials considered as part of the prior approval were incorporated by reference.

## **History**

### **Date of Application**

Yesterday's Restaurant received site plan approval for the construction of an eating and drinking establishment together with related site improvements in February of 2018. The project received reapproval in 2021. An application for amended site plan approval was received on September 19, 2024 and first heard by the Planning Board at its October 8, 2024 meeting.

### **GML 239 Referral**

The application is not subject to review pursuant to GML 239 et seq.

### **SEQR**

The project was previously reviewed as an Unlisted Action. The Planning Board conducted an uncoordinated review; held a public hearing on October 17, 2017; and issued and adopted a negative declaration. Upon review of the instant application, the Planning Board finds that the amendments are consistent with the Planning Board's 2017 negative declaration and hereby reaffirms those prior SEQR findings.

### **Public Hearing**

Given the nature of the improvements, the Planning Board waived the public hearing pursuant to § 145-96 by resolution dated December 8, 2024.

## **Findings**

The Planning Board has determined that approval of the amended site plan is consistent with the Village's code and comprehensive plan and that the amendments to the site do not negatively affect the public convenience, safety and welfare of the community.

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant the amended site plan application of 16 Elm Street Realty, LLC as depicted on the plans identified above upon the conditions set forth below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below which are noted as conditions precedent to such signing.

### **General Conditions:**

1. This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, as required to the Village of Warwick Planning Department.
2. This approval is further conditioned upon the applicant paying or depositing into escrow all applicable review, inspection and any other applicable fees.
3. This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees - engineering, legal and otherwise - in regard to this project have been fully paid.

4. The plans shall not be signed until written confirmation by the Village Engineer that all conditions of this approval have been fulfilled or otherwise satisfied.
5. All conditions of this conditional approval shall be fulfilled within twelve (12) months from the date set forth at the foot of this resolution unless the applicant shall, within said twelve (12) month period and prior to expiration of said time, file with the Planning Board a request for an extension of this conditional approval and prove to the satisfaction of the Planning Board that such extensions is justified based upon such matters as are outside the control of the applicant. Upon expiration of said twelve (12) month period without an extension having been granted this conditional approval shall lapse.
6. All conditions precedent to this approval shall be satisfied prior to issuance of a Building Permit for any new structure.
7. No approval is intended to be given or is given by this resolution for site plan elements depicted on adjoining properties.
8. Construction hours at the project site shall be limited to the hours of 7:00 am and 7:00 pm on weekdays and 8:00 am and 7:00pm on Saturdays. There shall be no construction on Sundays.

**Conditions Precedent to Signing of the Plan:**

1. Applicant to Revise Environmental Assessment Form (Item E.1.b., E.3.e.i and E.3.h) as per May 13, 2025 memorandum of Pitingaro and Doetsch Engineers
2. Gravel areas to be removed shall be identified on the plan.
3. Note 14 to be updated to read “No generator shall be permitted to be installed on-site without obtaining a building permit.”
4. Applicant to correct parking lot striping on plan as per May 13, 2025 memorandum of Pitingaro and Doetsch Engineers
5. Applicant to add two additional canopy trees and 20 additional shrubs to landscaping plan.

**Conditions Precedent to Issuance of Certificate of Occupancy**

1. Relocate sign. In the alternative, applicant shall provide documentation that the rail road authorizes the sign. In the event the railroad withdraws consent in the future, applicant shall relocate sign onsite.
2. Landscaping to be installed as per landscaping plan.
3. “As-built” plans shall be provided to the Village Engineer for review and approval upon completion of the improvements.
4. Applicant is to prepare and submit to the attorney for the Planning Board an offer of dedication and deed in recordable form for an easement running to the Village for an existing drainageway to allow for entry upon, repair, maintenance and replacement as deemed necessary by the Village. See Condition 8 of the February 15, 2018 approval.
5. The issuance of a certificate of occupancy for the restaurant structure to be built within the project area is conditioned upon the applicant installing all site plan

improvements inclusive of the privacy fencing and landscaping as provided for on the site plan. See Condition 14 of the February 15, 2018 approval.

6. Prior to and as a condition of the issuance of a certificate of occupancy for the restaurant facility, the applicant shall first post with the Village Clerk a maintenance bond or surety, cash or certificate of deposit, or an irrevocable letter of credit in an amount to be recommended by the Village Engineer and fixed by the Village Board in order to secure maintenance of the site plan landscaping improvements. Such bond or security agreement shall be satisfactory to the Village Board, Village Attorney and the Village Engineer as to form, sufficiency, manner of execution and surety. All such bonds, sureties, letters of credit issued in furtherance of this condition shall provide for at least 45 days prior notice to the Village of Warwick clerk of any due premiums, invoices, or other payment due thereon. A failure to maintain such bond, surety, letter of credit, shall result in the forfeiture of the approval demonstrated by this resolution and thereupon no certificates of occupancy shall be effective until the maintenance bond is reestablished to the satisfaction of the Village Engineer, or such security, bond, letter of credit is replaced to the satisfaction of the Village Attorney and Village Board. See Condition 15 of the February 15, 2018 approval.
  
7. The certificate of occupancy to be issued upon completion of the improvements shall be specifically conditioned upon and subject to the provisions of General Note No. 12, 12.1, and 12.2 as same appear on the site plan. In furtherance thereof, in the event that the noise levels generated by the restaurant cannot be attenuated to satisfy the applicable Village of Warwick law(s), the use of the porch area as an area for the service and/or consumption of food and/or drink shall cease to be a permitted use thereof and the certificate of occupancy shall be suspended until such use is discontinued, or the appropriate mitigation measures discussed above are installed and the Applicant demonstrates the porch area is in compliance. See Condition 17 of the February 15, 2018 approval.

### **Specific Conditions**

1. Landscaping to be maintained in perpetuity.
2. Installation of fill shall be limited to the areas depicted on the site plan identified above. Further installation of fill beyond that depicted shall be subject to an amended application before the Planning Board.
3. The terms and conditions of the prior site plan approval dated February 15, 2018 and June 8, 2021 shall remain in full force and effect unless expressly superseded by this amendment.

Motion by Member Scot Brown, Second by Member Bryan Barber

In Favor      5      Against      0      Abstain      0

Resolution vote: May 13, 2025

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JESSE GALLO, Chairman  
VILLAGE OF WARWICK PLANNING BOARD

Filed in the Office of the Planning Board Clerk on this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Kristin Bialosky  
Planning Board Secretary

I, Raina Abramson, Clerk of the Village of Warwick, does hereby certify that the foregoing resolution was filed in the Office of the Village Clerk on

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Raina Abramson, Clerk  
Village of Warwick

During the Planning Board meeting, the members, along with the Planning Board attorney, conducted a thorough review of the draft resolution for site plan approval. The attorney had pre-drafted the resolution and Ms. Cassidy, Esq. made edits as necessary to reflect the Board's feedback. One of the early points discussed was a condition regarding a generator. It was noted that the draft language incorrectly stated that installing a generator would require site plan approval. The board clarified that within the Village, generators only require a building permit, not site plan approval. As a result, the resolution was revised to state simply that no generator shall be installed without first obtaining a building permit. The Board also discussed the parking lot, specifically that the striping needed to be corrected, as indicated in the May 13, 2025, memo. It was confirmed that the applicant would be responsible for making those corrections. In addition to the striping, the Board required the applicant to add two canopy trees and additional shrubs to enhance the site's landscaping.. Regarding storage containers that had previously been placed on the site, it was noted that those had been removed. Since the containers were no longer present, the Board determined that this condition was no longer relevant and agreed to remove it from the resolution entirely. Attention then turned to conditions that would be tied to the issuance of a certificate of occupancy (C/O). The Planning Board attorney confirmed that, to the best of her knowledge, all improvements requiring a building permit the applicant had already obtained one. As such, the conditions outlined in the resolution would remain in place and must be satisfied prior to the issuance of the final C/O. Another important item addressed was the

freestanding sign located on a portion of land owned by the railroad. The Board discussed the legal implications of this placement and determined that although formal documentation from the railroad indicating consent may not be available, the resolution would be revised to state that in the event the railroad withdraws its consent in the future, the applicant will be required to relocate the sign onto its own property. The plan will include a designated alternative location for the sign so that any future relocation can be made without requiring the applicant to return to the Planning Board for further approvals. The resolution initially included a requirement for a preliminary or interim as-built plan to be submitted before final completion. However, because the project is nearly complete, the Board agreed that an interim as-built was no longer necessary. Instead, only the final as-built plan will be required for review. Lastly, the Board had a lengthy discussion about an existing drainage pipe that runs from West Street across the applicant's property. This issue had been addressed in a 2018 approval, which required the applicant to grant an easement to the Village for that drainage infrastructure. The Board discussed the history of the condition and confirmed that it remained relevant and would continue to be required. The Planning Board attorney updated the resolution accordingly to reflect this ongoing obligation. After all edits were completed and reviewed aloud, the Planning Board voted to adopt the resolution as amended. The applicant was present and acknowledged the final language. The meeting concluded with confirmation that all conditions had been clearly outlined, and that the applicant understood the steps that must be completed in order to obtain the certificate of occupancy.

### **16 Elm Yesterday's - Approve Resolution as Amended**

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried to approve the Resolution as amended for 16 Elm Yesterday's.

The vote on the foregoing **motion** was as follows: **APPROVED**

Chairman Jesse Gallo Aye

Board member Kerry Boland Absent

Board member Bryan Barbar Aye

Board member Scot Brown Aye

Board member Vanessa Holland Aye

Board member Bill Olsen Aye

### **Adjournment**

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland, and carried to adjourn the regular meeting at approximately 9:30 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye      Bryan Barbar Aye      Kerry Boland Absent

Scot Brown Aye      Vanessa Holland Aye      Bill Olsen Aye

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Kristin Bialosky, Planning Board Clerk

Please go to the link to watch the Planning Board Meeting:

<https://www.youtube.com/live/luUvXzeLcW0>