

**PLANNING BOARD
VILLAGE OF WARWICK**

November 12, 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 Wednesday, November 12, 2025, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairman Jesse Gallo, Board Members: Bryan Barbar, Scot Brown, and Bill Olsen. Absent was Board member Kerry Boland and Alternate Vanessa Holland. Also, present was the Planning Board Administrator, Kristin Bialosky, Planning Board Engineer Keith Woodruff and substitute Attorney for Elizabeth Cassidy was Alyse Turhune. Mark Annuzio, Leo Ruler, Lauren and John Peruso, Jr., Bob Krahulik, Amy Pagan, John Peruso, Sr., Chris Collins and Eugene Maher.

Chairperson, Jesse Gallo called the meeting to order and led in the Pledge of Allegiance. Kristin Bialosky held the roll.

Acceptance of Planning Board Minutes

A **MOTION** was made by Scot Brown, seconded by Bill Olsen and carried for the Acceptance of Planning Board Minutes: September 9, 2025.

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

Bryan Barber Aye Kerry Boland Absent Scot Brown Aye

Vanessa Holland Absent Bill Olsen Aye Jesse Gallo Aye

A **MOTION** was made by Bill Olsen, seconded by Bryan Barbar and carried for the Acceptance of Planning Board Minutes: October 14, 2025.

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

Bryan Barber Aye Kerry Boland Absent Scot Brown Aye

Vanessa Holland Absent Bill Olsen Aye Jesse Gallo Aye

Applications

1. **22 Spring Street; Restaurant Loft to One Bedroom Apartment; Ana Restaurant**
<https://villageofwarwickny.gov/22-spring-st-one-bedroom-apt-change-of-use/>
Change of Use Waiver Application

Discussion:

The Board reviewed the change-of-use waiver application for 22 Spring Street, known as Anna's Restaurant. The applicant's attorney, Mr. Krahulik, explained that the first-floor restaurant use would remain unchanged and that the second floor currently contained three existing residential apartments. The proposal involved converting approximately 520 square feet of the interior balcony area into an additional apartment. He noted that the balcony space had been underutilized and was awkwardly configured, and that the overall building layout would benefit from repurposing it as residential space. He stated that the only exterior modifications would be enlarging two existing windows on the rear elevation to meet egress requirements. No other changes to the exterior, parking layout, or building footprint were proposed.

The applicant argued that the use would become less intensive, as the restaurant previously had capacity for up to 50 patrons on the balcony, and converting that space to residential use would reduce the demand on parking, water, and sewer. He also pointed out that the applicant rents eight employee parking spaces. The Planning Board engineer's letter supported the position that the proposed use was less intensive than the existing restaurant use occupying the same square footage.

Board members discussed whether the Planning Board had the authority to waive site plan review. The Planning Board attorney's written opinion stated that there was no authority to waive a conditional use application. Members questioned whether sending the matter for a conditional use permit approval was necessary, given that residential apartments already existed on the second floor and had long been part of the building. Several Board members noted that the 2011 Planning Board approval included second-floor residential space totaling 1,349 square feet, although the resolution and table did not specify the number of apartments. Members felt that the existing approval already contemplated residential use and that the proposal did not increase the building footprint, and new exterior changes beyond the egress window enlargements, and this did not introduce a more intensive use the Board felt.

The Board reviewed the submitted architectural plans and confirmed with the engineer that the total second-floor residential area would be 2,204 square feet once the balcony space was incorporated. The Board clarified issues related to utilities, access, and egress. The applicant explained that existing mechanicals would remain in place, that the new apartment would be served by mini-split units, and that access would continue to be provided by an existing exterior stairway from High Street. The Board discussed the removal of an interior staircase shown on earlier plans and confirmed that egress requirements would still be met through the enlarged windows.

After discussing the legal, planning, and practical implications of the request, Board members expressed the view that the application represented a reduction in intensity of use and that the proposed change was reasonable given the history of the building. The Board agreed that the 2011 approval established residential use on the second floor and that the current proposal fit within that scope. Members also noted that the existing and proposed plan sheets should be incorporated into the file to document the change.

The Board agreed that the change-of-use waiver was appropriate and voted to grant the waiver application.

Change of Use Waiver Application approved for 22 Spring St. with Conditions

A **MOTION** was made by Bill Olsen, seconded by Scot Brown and carried for the Village of Warwick Planning Board to approve the Change of Use Waiver Application for 22 Spring St. with Conditions.

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

Bryan Barber <u>Aye</u>	Kerry Boland <u>Absent</u>	Scot Brown <u>Aye</u>
Vanessa Holland <u>Absent</u>	Bill Olsen <u>Aye</u>	Jesse Gallo <u>Aye</u>

The Board continued its review of the 22 Spring Street application by discussing several technical corrections needed on the submitted change-of-use form. Chairman Gallo noted that on the first page of the application, question one had been checked for both “residential” and “business and service” use. He recommended that this be corrected to “mixed use” only, since the building already contained apartments on the upper floors and the single designation more accurately reflected the property. Board members agreed that documenting such changes directly on the application was helpful for future reference, and Chairman Gallo was advised to make the correction and initial it.

He then pointed out that question five on the second page should be marked “yes” to indicate that there would be a proposed exterior change, specifically the enlargement of two existing windows for egress. Members agreed that the nature of the exterior modification should be written clearly on the form so that it would remain understandable years later.

The Board also noted that the application listed zero on-site parking spaces for existing and proposed uses. The applicant clarified that while no parking existed on the parcel itself, eight leased parking spaces were secured off-site for employees and residents, and that the property was exempt from providing on-site parking due to the availability of the adjacent municipal lot. The Board reviewed the previously approved 2011 plan referenced in the earlier resolution and confirmed that the applicant should provide the formal plan sheet so it could be incorporated into the updated submission. Members emphasized the importance of referencing the correct plan names and revision dates in the record.

2. **8 Forester Ave; Office to Living Space; Bo Kennedy - Tabled**
<https://villageofwarwickny.gov/8-Forester-Avenue/>
Change of Use Waiver Application

Discussion:

It was noted that the application for 8 Forester Avenue was tabled for the evening because the applicant must first appear before the Village Board. The property previously received a special use permit from the Village Board for the number of apartments on the first and second floors. Since the applicant is now proposing to modify the third floor to include additional apartments, the matter must return to the Village Board for approval before the Planning Board can continue its review.

3. **40 High Street; Two Mixed Use Buildings; Jason Hartman**
<https://villageofwarwickny.gov/40-high-street-two-mixed-use-buildings-apartments-and-commercial/>
Site Plan Application

Discussion:

The Board reviewed the application for 40 High Street, a lot formerly owned by the Warwick Telephone Company that had been used as a maintenance yard with a single-story concrete block building. The applicant's representatives, Chris Collins and Brian Friedler explained that the proposal was to construct a new mixed-use building, with commercial space and some residential units on the first floor and additional residential units on the second and third floors. Board members noted that this differed from the earlier submission, which had shown only commercial on the first floor, and confirmed that the applicant had received the attorney's and engineer's comment letters. The Board discussed required corrections to the application form, including updates to items eight and ten. The Board also confirmed that no public hearing had yet been scheduled and that the project was an unlisted action under SEQR. The Board reviewed the attorney's comments regarding the Environmental Assessment Form, including the need to mark "yes" for the historic district question and to coordinate with the Historic District and Architectural Review Board due to the property's location in the central business district. The applicant will also need to address potential Indiana bat and bog turtle impacts as part of the SEQR review. The Board noted that the property lies within the 100-year floodplain and that the floodplain boundary and regulated floodway must be accurately shown on the site plans. The engineer explained that development is permitted in the floodplain but not in the floodway, and that a floodplain development permit from the Building Inspector will be required.

The Board discussed zoning issues related to first-floor residential units in the LI District. The attorney's comments indicated that only residential units on upper floors are permitted as of right. The applicant explained that they were still determining whether to eliminate first-floor

residential units or seek a use variance from the Zoning Board of Appeals. The Board also noted that the number of proposed residential units might change, which would affect parking calculations. The Board reviewed code provisions related to required parking, parking design, and screening, and discussed the importance of avoiding visible parking in the front yard. The Board also discussed the potential benefit of repositioning the building to reduce the visual impact of the parking area, as well as the need to consider floodplain constraints and existing grade changes along the Waywayanda Creek.

The engineer outlined additional requirements, including identifying all proposed commercial uses to determine code applicability; updating the bulk table and site plans; submitting to SHPO, which the applicant indicated would occur the next day; and addressing wetlands. Because the Village is an urbanized area, any wetlands on-site would be DEC-jurisdictional, and the applicant will need either a parcel jurisdictional determination from DEC—which is currently taking more than 90 days—or a private wetland specialist’s report for a faster alternative. Additional required plan details include grading along the creek, garbage enclosure design, hydrant relocation, utility elevations, and accessible parking and signage. The Board discussed that the applicant would need ZBA variances if the project retained first-floor residential units and if parking remained within required yard setbacks. The Board noted that granting a referral now would allow the applicant to explore both options without having to return to the Planning Board solely for a referral. The Board voted to refer the application to the Zoning Board of Appeals for issues relating to first-floor residential use and parking within yard setbacks. The Board also noted that the applicant must appear before the Historic District and Architectural Review Board as part of the review process.

Refer application for 40 High Street to ZBA

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Village of Warwick Planning Board to refer application for 40 High Street to the ZBA.

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

Bryan Barber <u>Aye</u>	Kerry Boland <u>Absent</u>	Scot Brown <u>Aye</u>
Vanessa Holland <u>Absent</u>	Bill Olsen <u>Aye</u>	Jesse Gallo <u>Aye</u>

4. **30 Brady Rd.; Multi-Family; Rutherford**
<https://villageofwarwickny.gov/30-brady-rd-multi-family-site-plan/>
Site Plan Application

Discussion:

The Board reviewed the applicant's proposal for 30 Brady Road, where the existing building—an older structure in poor condition—would be demolished and replaced with a new two-story residential building containing four two-bedroom apartments. The project required a Special Use Permit from the Village Board, with site plan approval to remain under the Planning Board's authority. The Board discussed the SEQR classification and confirmed it was an unlisted action. There was clarification needed regarding an automatically checked SHPO item, as the property was not believed to be within a historic district or eligible for listing, and the Board planned to verify this. The Board also examined questions of lead agency, noting that although the Village Board must issue the Special Use Permit, the Planning Board would likely serve as lead agency because it must complete SEQR before any approvals could be issued. The Board agreed to declare its intent to act as lead agency and to circulate this to the Village Board, with a 30-day response period. Because the property sits within 500 feet of the municipal boundary, the Board planned to conduct a GML 239 review, although impacts to Town services or infrastructure were expected to be minimal. The Board acknowledged that the applicant would need approvals from both Boards, and any changes made after the Village Board's review could require the applicant to return for additional action.

Planning Board to declare lead agency for SEQR review for 30 Brady Road

A **MOTION** was made by Scot Brown, seconded by Bryan Barbar and carried for the Village of Warwick Planning Board to declare lead agency for SEQR review 30 Brady Road.

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

Bryan Barber <u>Aye</u>	Kerry Boland <u>Absent</u>	Scot Brown <u>Aye</u>
Vanessa Holland <u>Absent</u>	Bill Olsen <u>Aye</u>	Jesse Gallo <u>Aye</u>

Refer application of 30 Brady Rd. to Orange County Department of Planning as per NYS General Municipal Law §239.

A **MOTION** was made by Bryan Barbar, seconded by Bill Olsen and carried for the Village of Warwick Planning Board to refer application to OCDP as per NYS General Municipal Law §239.

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

Bryan Barber <u>Aye</u>	Kerry Boland <u>Absent</u>	Scot Brown <u>Aye</u>
Vanessa Holland <u>Absent</u>	Bill Olsen <u>Aye</u>	Jesse Gallo <u>Aye</u>

The Board continued its review of the proposal and discussed several technical comments related to the regulations for multiple residences. It was noted that the new structure would need to resemble a single-family home and be consistent with the character of the immediate neighborhood. Parking areas with four or more vehicles would require individually marked spaces, placed no closer than ten feet to any side or rear lot line. The Board also reviewed use restrictions, confirming that no automotive services or similar activities could occur on the site. A major point of discussion involved the need for a determination from the Building Inspector on whether the project should be classified as “multiple residences” or as an “apartment building.” This distinction was important because multiple residences are subject to a density calculation of four units per acre, and the property’s size—just over half an acre—would limit the project to two units under that definition, whereas apartment buildings do not have the same density limitation. The Board agreed it would be prudent for the applicant to obtain this interpretation before appearing before the Village Board. Additional items requested included a current record survey, architectural plans and elevations, screening for parking areas, pavement and utility construction details, and confirmation of ADA-compliant parking. It was also noted that, due to the building’s 1940 construction date, SHPO review might be required because the structure may now meet the 50-year threshold for eligibility. Finally, it was mentioned that the Historic District Review Board would likely want the opportunity to review the project, as they had been concerned about not seeing a prior phase of Warwick Commons. The Board discussed whether the proposed project should be referred to the Historic District Review Board, noting that the Village Code requires multi-unit residential structures to resemble single-family homes and maintain compatibility with the surrounding neighborhood. It was acknowledged that any involvement from the Historic District Review Board would be advisory rather than mandatory, offering guidance on architectural style but not imposing requirements. A Board member referenced the comprehensive master plan, which supports “missing middle” housing—projects that provide slightly higher-density residential options while preserving the character of lower-density neighborhoods—and noted that this proposal generally fit that intent as long as it was designed attractively. The Board also reviewed the site layout, including the planned patio and walkway to offer outdoor space for tenants. Members commented that the new construction would be a significant improvement over the existing structure, which was slated for demolition. With no further questions, the Board proceeded to the next agenda item, a village view extension request.

5. Village View Extension Request

<https://villageofwarwickny.gov/wp-content/uploads/Village-View-Ext-Request-10-20-25.pdf>

Extension Request of Site Plan Application

Discussion:

The Board next reviewed the extension request for Village View Estates. The applicant explained that the project originally dated back to 2004 and currently held conditional final approval, which had already been extended twice. The Board was reminded that the development

could not proceed until water pressure issues were resolved, either through installation of a booster pump or construction of a new Village water storage tank on land identified in the Town. Soil borings had recently been completed at the proposed tank site, and engineering design work was ongoing. The applicant noted renewed interest in beginning construction and expected to submit a building permit application for a model home in the near future. The Board discussed a phased approach in which part of the subdivision could be constructed using existing pressure while the Village advanced the water tank project, after which both components would be submitted jointly to the Department of Health. The Robin Brae pump station still required completion, as outlined in the existing developer's agreement. After reviewing the proposed motion, the Board approved an additional 180-day extension of the conditional final site plan and subdivision approval, beginning November 12, 2025. The Board briefly confirmed that extensions may continue as long as renewal fees are paid, and the motion passed unanimously.

Village View Estates 180-day Extension on the conditional final site plan and subdivision approval from November 12, 2025, until May 12, 2026.

A **MOTION** was made by Bryan Barber, seconded by Scot Brown and carried to approve a 180-day extension to Village View Estates on the conditional final site plan and subdivision approval from November 12, 2025, until May 12, 2026.

Bryan Barber <u>Aye</u>	Kerry Boland <u>Absent</u>	Scot Brown <u>Aye</u>
Vanessa Holland <u>Absent</u>	Bill Olsen <u>Aye</u>	Jesse Gallo <u>Aye</u>

6. **24 Wheeler Ave; 2 Family; Peruso**
<https://villageofwarwickny.gov/24-wheeler-ave/>
Site Plan Application

Discussion:

The Board reviewed the application for 24 Wheeler Avenue, presented by Mr. John Peruso. The applicant reported that he had appeared before the Zoning Board of Appeals seeking eleven variances; the ZBA granted all but one, denying only the request to allow two parking spaces in the front yard. The ZBA directed the applicant to return to the Planning Board to revise the parking layout. Mr. Peruso explained that the two-family proposal, containing four total bedrooms, required three parking spaces following the ZBA's reduction from the original requirement of four. He outlined several options for the third space, including leasing a spot from

a nearby business or locating the space on the eastern side of the house, which he preferred because it would provide a long-term, compliant solution. The Board discussed the existing pavement, lot-coverage limits, and proximity to Spring Street's municipal lot, while noting that municipal parking could not be used to satisfy minimum on-site parking requirements. The Board also reviewed the presence of a nearby stream and the need to avoid creating additional impervious surface. The Village Engineer advised that permeable pavers or another permeable material could be used to create a compliant 9-by-18-foot parking stall without affecting lot-coverage limits. Board members supported placing the third space beside the house using permeable pavers and discussed whether any screening or landscaping would be necessary. The Board agreed that the proposed layout was generally consistent with neighborhood character and noted the applicant's improvements to the property. Remaining items included updated plans showing the revised parking stall, confirmation of SEQR comments, a signed application by both owners, a written narrative, and a current survey. Because the project required a public hearing, the Board scheduled the hearing for the next meeting on the 9th, with the understanding that the application could be considered for approval once the hearing was closed and the outstanding items were submitted.

Schedule Public Hearing, 24 Wheeler Ave; December 9, 2025

A MOTION was made by Scot Brown, seconded by Bryan Barber and carried to schedule a public hearing for 24 Wheeler Ave on December 9, 2025.

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

Bryan Barber Aye Kerry Boland Absent Scot Brown Aye

Vanessa Holland Absent Bill Olsen Aye Jesse Gallo Aye

The Board noted that revised plans for the application would be submitted for the December 9 meeting, along with the additional adjustments previously discussed. The Village Engineer explained that he had minimal remaining comments but emphasized the need for clear language on the site plans, particularly for the entrance to the apartment and the specifications for the proposed permeable parking surface. He advised that plans must include a defined detail rather than simply stating "permeable surface," since approved construction drawings could otherwise be interpreted differently by a contractor. He recommended either specifying the exact material or listing it as "permeable pavers or approved equal," to ensure clarity and allow the Building Inspector to review and approve any equivalent alternative. The Board agreed that final material selection could be incorporated into the approval resolution at the next meeting, relieving the applicant of concern about determining the exact product at this stage.

7. **27 Van Duzer Place; Subdivision of Property; Jewett**
<https://villageofwarwickny.gov/27-van-duzer-place-subdivision/>
Subdivision Application

Discussion:

The Board reviewed a new subdivision application for 7 Van Duzer Street, involving an 18-acre property located behind the Chevrier Pavilion. The parcel was originally created through the 2009 Winter Subdivision, which divided the land into two lots while preserving a narrow strip of compliant frontage and establishing several easements, including access, sewer, water, and a conservation easement over the rear portion of the property. The applicant, Mr. Garrett Jewett, who resides in the existing rear dwelling, and his sister, Libby, sought to further subdivide the land to create a new lot where she could eventually construct a home. The applicants proposed sharing the existing driveway rather than disturbing the conservation easement with new access. The Board reviewed the layout and noted that the proposed lot configuration appeared to meet Village zoning requirements for lot width, depth, setbacks, and minimum area. Water and sewer service were discussed, with the Village Engineer explaining that the existing two-inch water service to the main house and the 1.5-inch line from the main house to the rear dwelling were sufficient for an additional connection, pending confirmation of the precise language in the existing water and sewer easements. The Board acknowledged that a shared driveway would require an access easement and a maintenance agreement but noted that such arrangements were common in the Town. Members familiar with the site commented on the unique landscape and rugged terrain within the conservation easement. For SEQR, the Engineer noted that the automated review flagged items such as archeological sensitivity, and the Board anticipated a standard referral. With no other involved agencies identified, the Board agreed to initiate GML 239 review and to declare its intent to act as lead agency for the SEQR process.

Refer application of 27 Van Duzer Place; to Orange County Department of Planning as per NYS General Municipal Law §239.

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Village of Warwick Planning Board to refer application to OCDP as per NYS General Municipal Law §239.

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

Bryan Barber Aye Kerry Boland Absent Scot Brown Aye

Vanessa Holland Absent Bill Olsen Aye Jesse Gallo Aye

Declare Lead Agency for SEQR review on the application of 27 Van Duzer Place

A **MOTION** was made by Bryan Barber, seconded by Scot Brown and carried for the Village of Warwick Planning Board to Declare Lead Agency for SEQR review on the application of 27 Van Duzer Place.

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

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

The Board continued its review of the proposed subdivision at 27 Van Duzer Place and discussed remaining technical considerations. The Village Engineer raised questions regarding the direction of the existing sewer lateral, noting that the main might run downhill in the opposite direction from what was shown, which would explain the unusual configuration on the original subdivision. He also noted that several utility easements—including sewer, water, and access—would require clarification before the subdivision could proceed. The Board discussed access for emergency vehicles, and members agreed that the shared driveway might need widening or the addition of a fire apparatus turnaround if required by emergency services. The Board planned to refer the layout to the Fire Department for comment on accessibility. It was also noted that although part of the parcel lies within the Historic District, the applicant had no immediate plans to construct a home, and the Board agreed that a condition could be added requiring Architectural Review Board review at the time a building permit is sought. Because the 30-day GML 239 referral period and outstanding easement questions remained, the Board decided not to schedule a public hearing until the next meeting. Before concluding the discussion, the Board voted to declare the proposal a minor subdivision.

Declare the application of 27 Van Duzer Place a minor subdivision

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Village of Warwick Planning Board to declare the application of 27 Van Duzer Place a minor subdivision.

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

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

Adjournment

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

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

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

Kristin Bialosky, Planning Board Administrator

Please go to the link to watch the Planning Board Meeting:
https://studio.youtube.com/video/Hi3Wq11Hg_M/edit