

**PLANNING BOARD
VILLAGE OF WARWICK**

September 9, 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, September 9, 2025, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairman Jesse Gallo, Board Members: Kerry Boland, Scot Brown, Bill Olsen, Bryan Barber and Alternate Vanessa Holland. Also, present was the Planning Board Administrator, Kristin Bialosky, Planning Board Engineer Keith Woodruff and Planning Board Attorney Elizabeth Cassidy. Cathi White, Tyler Folino, Emily Enders, Marie E. Morales, Matthew Morales, Kevin Wilson and Ilysa Memmer were also present.

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: July 8, 2025.

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

Bryan Barber Aye

Kerry Boland Aye

Scot Brown Aye

Vanessa Holland Aye

Bill Olsen Aye

Jesse Gallo Abstain

Applications

1. 23 Wheeler Ave; Two Story Addition; Emily Enders

<https://villageofwarwickny.gov/23-wheeler-ave-two-story-addition-sbl-207-5-8/>

Site Plan Application

Discussion:

The applicants Emily Enders and Matthew Morales appeared before the Planning Board to discuss the proposed two-story addition to their home. The applicants, represented by architect Tyler Folino, from DeGraw and DeHaan architects appeared with homeowners Matthew and Emily Morales to present a proposal for a two-story addition to their single-family home. The addition is intended to provide a personal bedroom on the first floor and an additional bedroom on the second floor. The property consists of two parcels, but all work will occur on one parcel; the applicants expressed a preference to keep the parcels separate, though it was noted that merging them into a single tax lot would be clearer and more consistent with zoning requirements. The Chairman, Jesse Gallo requested the attorney Elizabeth Cassidy to go through her comment memo:

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:

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	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), applications which do not conform to the Village’s bulk requirements are subject to site plan review.	For Information
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
Plan Comments	
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.	
8. The Applicant relies on 145-131 for reduced bulk requirements for existing lots less than 100 feet in width. I note that pursuant	

<p>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.</p>	
<p>9. The proposed addition appears to require the following variances:</p> <ul style="list-style-type: none"> • Side set back • Total Side Setback • Side yard • Distance between accessory structures (145-62(B)). <p>I ask Engineer Woodruff to verify the distances per comment 8 above.</p>	

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. The Board then discussed the issue of two separate lots. The attorney advised that since the applicant is relying on the total site for bulk and coverage calculations, the parcels should be merged to avoid future misinterpretations and to simplify tax billing. Consolidation would not resolve the nonconformity with minimum lot size requirements but would provide clarity. The Planning Board requested a copy of the December 30, 2024, survey map by John McGloin for its records and agreed with the attorney’s interpretation that the lots be consolidated. Additional site plan revisions were requested, including notation of existing site improvements (garage, sheds, retaining walls, creek, utilities), adjoining property information, and clarification regarding potential tree removal and mitigation. Mr. Woodruff, the Planning Board Engineer, then went through his comment memo. In Mr. Woodruff’s memo it is requested that the applicant provide a copy of the December 30, 2024, survey map by John McGloin. Everyone concurred with the attorney’s recommendation that both parcels be consolidated into a single tax lot, noting that while the lots would remain nonconforming in size, consolidation would simplify matters. The site plan must be revised to include details such as existing accessory structures, retaining walls, the creek, utilities, adjoining property information, and any proposed tree removal or mitigation. Discussion included the condition of the retaining wall, treatment of existing vegetation that screens the adjoining parking lot, and whether any modifications are planned for the garage and shed. Additional variances will be required for the separation distance between the principal and accessory structures, and for side yard setbacks. The Board indicated the application contains sufficient information to be referred to the Zoning Board of Appeals, with distances to be verified by Mr. Woodruff before referral.

Refer application of 23 Wheeler Ave to the ZBA subject to confirmation of dimensions by Planning Board Engineer Keith Woodruff.

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Village of Warwick Planning Board to declare referral of application of 23 Wheeler Ave to the ZBA subject to confirmation of dimensions by Planning Board Engineer Keith Woodruff.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

Refer application of 23 Wheeler Ave to Orange County Department of Planning as per NYS General Municipal Law §239

A **MOTION** was made by Bryan Barber, seconded by Kerry Boland and carried for the Village of Warwick Planning Board to declare referral of application of 23 Wheeler Ave to the Orange County Department of Planning as per NYS General Municipal Law §239.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

25 Elm St.; Rositas Fruit and Vegetables; Cathy White

<https://villageofwarwickny.gov/25-elm-st-unit-6-rostitas-fruit-vegetables-sbl-210-9-1/>

Change of Use Waiver Application

Discussion:

Kathy White presented an application for a change of use waiver for a 900 sq. ft. space in the Mitchell's Corner Shopping Plaza to be used as a Mexican market selling fruits, vegetables, and bread. The Board determined that the proposed use, changing from a former gym to retail, is de minimis under §145-99 of the zoning code and does not require site plan approval. The waiver was granted with the following conditions: the use is limited to retail only, and any future eating or drinking establishment use would require a new application; the applicant must verify actual water demand prior to issuance of a Certificate of Occupancy, with usage expected to be closer to 200 gallons per day rather than the 2000 originally listed; and hours of operation will be limited to 8:00 a.m. to 9:00 p.m., subject to compliance with the Village noise ordinance. The applicant will also be required to obtain a Certificate of Occupancy from the Building Inspector.

Waive the site plan requirement for the Change of Use for 25 Elm St. Rosita's Fruits and Vegetables subject to the conditions.

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland and carried for the Village of Warwick Planning Board to Waive the site plan requirement for the Change of Use for 25 Elm St. Rosita's Fruits and Vegetables subject to the conditions.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

36 Colonial Ave- Parking Lot - Memmer-

<https://villageofwarwickny.gov/36-colonial-ave-memmer-parking-lot-sbl-208-1-3/>

Site Plan Application

Discussion:

Applicant Ilyssa Memmer, represented by Kevin Wilson, came before the Board with a proposal to convert an existing single-family residence located in the R District with a Limited Office Overlay into a professional office use, a permitted use within the zoning code. The proposal includes modifications to the site to accommodate the office use, most notably the construction of a rear parking area. The applicant explained that the house itself had already been fully renovated and prepared for occupancy, and that a shed had been removed from the property. The practice is intended to operate as a private therapy office, which will generate relatively low traffic volumes compared to more intensive uses, with only a limited number of clients visiting each day. During review, the Board and its consultants noted that the submitted application materials were incomplete and needed updates to reflect the proposed change of use from residential to commercial. Specifically, a formal site plan must be submitted, along with updated survey information, a zoning bulk requirement table, parking calculations, and additional details regarding existing structures, landscaping, screening, and lighting. The Board also asked for information about stormwater management and how the applicant intends to address runoff created by the proposed parking area. The applicant was further advised that the plans must include notations for all relevant features on the property, including utilities, existing vegetation, and any retaining walls. A significant portion of the discussion centered on parking. The applicant initially proposed 11 spaces, but the Board expressed concern that this was excessive given the nature and scale of the proposed office use. Based on the code's parking standards and the anticipated client load, the Board indicated that a reduced number of spaces, approximately 6 to 8, would be more appropriate. Options were discussed to accommodate overflow demand if necessary, including the concept of "land-banked" gravel spaces that could be added later if needed. The Board emphasized that limiting impervious surfaces was important to reduce stormwater impacts, and that screening measures, such as fencing or vegetation, would be necessary to mitigate potential impacts on adjoining residential properties. In addition to parking, the Board stressed that the application must comply with the specific standards of the Limited Office Overlay district. These standards are intended to preserve the residential character of properties while allowing limited professional office use. As such, the Board asked the applicant to ensure that the overall site design minimizes visual and operational impacts on the surrounding neighborhood. Screening of the rear parking lot, either with a fence or vegetation, was highlighted as especially important to maintain compatibility with nearby homes. The applicant was also questioned about tree removal, lighting, and whether any

changes would be made to existing retaining walls on the property. While no immediate issues were identified, the Board requested that any such work be clearly identified on the revised site plan. The applicant confirmed that the house was already fully renovated and ready for use as an office, and that the therapy practice would involve only a few employees and clients at a time, resulting in minimal parking or traffic impacts. Following discussion, the Board agreed that a public hearing should be scheduled for October to allow neighboring property owners and residents to provide comment. However, this hearing will be contingent upon the applicant submitting revised and complete plans that address the Board's concerns. The applicant was reminded of the upcoming deadline to provide these updated materials to ensure timely scheduling. Overall, the Board expressed support for the concept of the application, but stressed the importance of updated documentation, reduced parking, screening, and compliance with overlay district standards before moving forward.

Schedule a Public Hearing 36 Colonial Ave. for October 14, 2025 subject to receipt of revised plans by October 3, 2025

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried to schedule a public hearing 36 Colonial Ave. for October 14, 2025 subject to receipt of revised plans by October 3, 2025.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

Jesse Gallo discussed the pavement requirements for the proposed parking area, noting that there is no formal requirement to pave all spaces, although ADA-compliant spaces must be surfaced with a hard, stable material. Options discussed included blue stone, stone dust, or gravel, each with varying levels of compaction and permeability. Blue stone was noted to pack well and provide a durable surface, while stone dust provides a solid surface over time but may require occasional maintenance, and gravel remains looser but is more economical and easier to install. The Board agreed that the first one or two spaces, particularly those closest to the building or required for ADA accessibility, should be paved with a more durable surface, while additional spaces could remain gravel or similar material, depending on anticipated usage. It was also noted that the thickness of the pavement could be adjusted based on practical use, as long as the spaces are functional and safe. The site plan should reflect the total number of spaces and show that vehicles can be accommodated safely, and the plan should be included with the materials for public notice and review.

Refer application of 36 Colonial Ave to Orange County Department of Planning as per NYS General Municipal Law §239

A **MOTION** was made by Kerry Boland, seconded by Vanessa Holland and carried for the Village of Warwick Planning Board to declare referral of application of 36 Colonial Ave to the Orange County Department of Planning as per NYS General Municipal Law §239.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

Ms. Cassidy, Esq. explained the property is within 500 feet of a state highway, the law presumes that the project could have impacts beyond just the local area. That's why we are required to send it to the county for review, even though the project is relatively small. In practice, the county rarely raises significant issues, and we usually receive a "local determination" letter confirming there are no major concerns. However, we can't skip this step—if we did, any local approval could be considered void. Once the county receives the plans, they have up to 30 days to respond. Sometimes we can request an expedited review, but we can't guarantee an earlier response, so it's important to get the plans to us as soon as possible. The applicant thanked the board.

12 Oakland Ave; Noble Pies; Leslie Noble

<https://villageofwarwickny.gov/12-oakland-ave-noble-pies-sbl-210-10-8/>

Change of Use Waiver Application

The applicants did not come to the meeting. The board discussed whether the application could be reviewed in the applicants' absence. There was a question about whether an attorney-client session could be requested for review purposes. It was clarified that an attorney-client session is a formal mechanism allowing the board to discuss legal considerations privately with counsel. A board member suggested making a motion to enter an attorney-client session to review the application.

Attorney client consultation regarding the application at 12 Oakland Ave.

A **MOTION** was made by Bryan Barber, seconded by Bill Olsen and carried for the Village of Warwick Planning Board to declare attorney client consultation regarding the application at 12 Oakland Ave.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

Come out of Attorney client consultation regarding the application at 12 Oakland Ave.

A **MOTION** was made by Kerry Boland, seconded by Scot Brown and carried for the Village of Warwick Planning Board to come out of Attorney client consultation regarding the application at 12 Oakland Ave.

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

Bryan Barber Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye Jesse Gallo Aye

Table the application of 12 Oakland Ave; Noble Pies until October 14, 2025

A **MOTION** was made by Bill Olsen, seconded by Bryan Barber and carried table the application of 12 Oakland Ave; Noble Pies until October 14, 2025.

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

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

Adjournment

A **MOTION** was made by Scot Brown, seconded by Kerry Boland, and carried to adjourn the regular meeting at approximately 8:50 p.m.

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

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

Kristin Bialosky, Planning Board Administrator

Please go to the link to watch the Planning Board Meeting:
<https://www.youtube.com/watch?v=i5HSgkcsFGE>