



VILLAGE OF WARWICK
INCORPORATED 1867

Zoning Board of Appeals

Area Variance Application

Administrative Section only			
Date Received:	_____	Escrow Fee: Residential	<u>\$1,500.00</u>
Digital Copy Provided:	_____	Escrow Fee: Commercial	\$ _____
8 Hard Copies Provided:	_____		
Fee: Residential	<u>\$ 200.00</u>	☒	Paid
Fee: Commercial	\$ _____	☒	Paid
Date of Public Hearing:	_____		
Date of Final Action:	_____		

Applicant – Please complete the following:

Applicant's Name: Emily Enderes & Matthew Morales

Applicant's Address: 23 Wheeler Ave, Warwick NY 10990

Day/Evening Phone: 845-499-9544

Email: emilymariposa@gmail.com

Owner of Property (if different from Applicant): -

Owner's Address: 23 Wheeler Ave, Warwick NY 10990

Location of Property: 23 Wheeler Ave, Warwick NY 10990

Section, Block and Lot (SBL) Number: 207 - 5 - 8.2 **Zoning District:** CB

Present use of Property: Residential - 1 Family

Proposed use of Property: Residential - 1 Family

This form is to be completed by persons applying for an **Area Variance**.

(If unsure, contact the Building Inspector.)

Submit the below information for each section of Village Code for which you are requesting an **Area Variance**.

Please answer all questions and give a detailed explanation. Attach additional sheets if necessary.

1. Variance Description (include Village Code Section(s) from which variance(s) are requested):

Addition to an existing single family home. Requesting variances from Code Section 145-41

(Side Setback, Total Side Setback, Side Yard) and Section 145-62B (Distance between

2. Statement of Need:

Principal Building and Accessory Structure.

Please explain why the requested **Area Variance(s)** is/are necessary.

The homeowner needs to have a private bedroom and bathroom on the first floor of the home

to age in place. The existing house is placed on the property with the existing driveway

and existing creek to the east, which prohibits locating the addition on this side of the house.

The existing interior layout also drives the need for the addition to be located on the rear

and west portion of the property - as this allows the addition space to tie into the existing

home with the most minimal interior reworking needed. Due to these reasons, the proposed

addition is located within the allowable side setback and allowable distance between the

principal building and accessory structure.

3. New York State Review Criteria for an Area Variance:

When requesting an **Area Variance** (permission to use property in a manner that is not allowed by the dimensional or physical requirements of the zoning regulations), NYS law requires the Applicant to show that the benefit of the Variance of the Applicant will outweigh any detriment to the health, safety and welfare of the neighborhood or community. Please comment on the following criteria that the ZBA must consider in making its determination:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance(s).

We do not feel that an undesirable change will be produced in the character of the neighborhood and that this addition will not be a detriment to nearby property owners. The addition is located on the rear and west sides of the property where they are causing the least amount of disturbance to neighboring property owners. The neighboring property to the west of the existing home is a municipal parking lot. The addition has been designed to compliment the existing architectural style of the house, and is designed in a similar way with dormers to help make it feel as if the addition were always a part of the home.

b. Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an Area Variance(s).
The location of the existing home and accessory buildings on the site is the main driving factor for locating the addition space to the rear and west of the existing home. Due to this, there is a need for an area variance. Since the homeowners need to have a first floor bedroom and bathroom, the footprint of the structure needs to expand.

c. Whether the requested Area Variance(s) is/are substantial.

The requested area variance is not substantial. The development coverage of the lot is approximately 50% of what is allowable under the Village Code, and the side yard setback being requested is neighboring a municipal parking lot.

d. Whether the requested Area Variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No, there will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood due to this area variance. The home will still be in similar style and scale to the existing homes on the street, and no additional environment impacts are anticipated through the construction of the addition.

e. Whether the alleged difficulty is self-created.

Yes, the difficulty is self-created as the homeowners need a first floor private bedroom and bathroom for aging in place, and the existing home does not provide that.

I, the undersigned, am the Owner, or their Authorized Agent.

(If the Applicant is not the Property Owner, then attach the notarized Owner Endorsement form which gives authorization to the Applicant.)

Applicant's Signature Emily Endenes Date: 10/5/25

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.



VILLAGE OF WARWICK
INCORPORATED 1867

Interest Disclosure
Affidavit Pursuant to Section 809 of
the General Municipal Law

ZONING BOARD OF APPEALS: VILLAGE OF WARWICK

In the matter of the Application of Emily Enderes & Matthew Morales

State of New York)
)ss.:
County of Orange)

I, Emily Enderes & Matthew Morales, being duly sworn, herby deposes and says:

That I am the owner or the agent for the owner of the property described in the within application to the Zoning Board of Appeals of the Village of Warwick, Orange County, New York, and if not the owner I have been duly and properly authorized to make this application and to assume the responsibility for the owner in connection with the application.

That there is no State officer, Orange County Officer or employee, Town of Warwick officer or employee or Village of Warwick officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request; or is an officer, director, partner or employee of the applicant; or, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant (excluding ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges); or, if the applicant is an association or a partnership, is a member or partner of the applicant; or is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

That to the extent that the same is known to your applicant, and to the owner of the subject premises, there is disclosed herewith the interest of the following officer or employee of the State of New York or of the County of Orange or of the Town of Warwick or of the Village of Warwick in the petition, request, or application or in the property of subject matter to which it relates: **(If none, so state)**

1. Name and address of officer or employee: **None**

2. Nature of interest:

3. If stockholder, number of shares:

4. If Officer or partner, nature of office and name of partnership:

5. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such State, County, Town or Village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership.

6. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached if any of these are officers or employees of the State of New York, or of the County of Orange, or of the Town of Warwick, or of the Village of Warwick.
7. In the event there is any change in the information set forth herein between the date hereof and the final determination of this application, a supplement affidavit will be filed to provide that further information

I, Emily Enderes, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

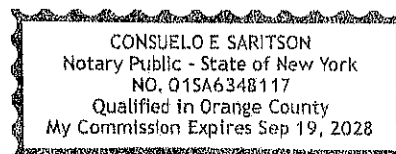
Emily Enderes
Applicant's Signature

23 Wheeler Ave, Warwick NY 10990
Applicant's Mailing Address

State of New York
County of Orange

Sworn to before me this 6th
day of October, 2025

[Signature]
Notary Public





VILLAGE OF WARWICK

INCORPORATED 1867

Zoning Board of Appeals

Escrow Deposit
Affidavit of Owner's Obligation to
Comply with Village Code Section
Reimbursement of costs and expenses.
[Amended 3-5-2012 by L.L. No. 5-2012]
Requiring Escrow Deposit to
Pay Professional Review Fees

Re: 23 Wheeler Ave, Warwick NY 10990
Escrow Amt: Area V. \$1,500.00 Use V. \$2,500.00

State of New York)
County of Orange)ss:
Village of Warwick)

I, Eming Enderes, being duly sworn,
hereby depose and say:

1. That I have been advised of the requirement of Village Code 64-3, which states:

§ 64-3 Reimbursement of costs and expenses.

[Amended 3-5-2012 by L.L. No. 5-2012]

A. The applicant for approval of any land use or land development proposal shall reimburse the Village for all of the Village's reasonable and necessary consulting costs, as described herein, incurred by the Village in connection with the review and/or approval of the application. Said fees and expenses are deemed application fees. Reimbursement shall be made in accordance with this chapter. For the purposes of this chapter, the term "land use or development" shall include, but not be limited to, a subdivision, lot line change, site plan, conditional use permit, a change of use application, special permit, wetlands permit, variance, interpretation, appeal to the Zoning Board of Appeals, or any modification or amendment of any of the foregoing.

B. Initial Planning and Zoning review escrow deposits pursuant to the fee schedule established by this chapter shall be delivered to the Village Clerk as part of the original application.

C. No review shall be undertaken by the consultants, nor shall the matter be scheduled before the Planning Board, Zoning Board, or Village Board, until the initial fee and escrow deposit, as

set forth in this chapter or the incorporated fee schedule, is paid. A fee schedule shall be established, and changed as needed, by resolution of the Village of Warwick Board of Trustees. A copy of the fee schedule is on file with the Village Clerk's office and the Village of Warwick Planning Department. In addition to the above-referenced fee schedule, the Planning Board may require an applicant to pay an added amount, to be held in escrow and ultimately disbursed, to pay the costs incurred by the Village for all consulting services it may reasonably seek to engage, including, but not limited to, archaeological, engineering, planning, legal and clerical costs incurred in processing and review of a subdivision or other application. Such amount deemed necessary for escrow shall be reasonably related to costs attendant to the Village's review, and such amount shall be computed by the reviewing Board in consultation with the applicant. Further, if such escrow payment is deemed necessary, this fee shall be in addition to and exclusive of any fee(s) properly assessed to the applicant in connection with the SEQRA process.

D. In addition to the application fees required to be paid by an applicant, the applicant shall also reimburse the Village for any and all fees paid by the Village in connection with the review of such application by the Planning Board, Zoning Board of Appeals, or Board of Trustees. With regard to applications to the Zoning Board of Appeals for variances, the Village Board for zone change applications and the Planning Board for subdivisions, conditional use permits, change of use applications, lot line changes and site plan, the respective Board, as the case may be, shall set an amount, in consultation with the Village Engineer, Planner and Attorney, to be placed in an escrow account to be maintained by the Village for the purpose of paying the fee statements of the Village professionals in connection with the review of the application. Applicants before the respective Boards for other relief shall pay the fee statements for Village professionals within 30 days of presentation. All applicants shall be presented with a fee statement or statements for such review and/or payment on a periodic basis or upon request.

E. If the escrow account falls below 80% of the initial deposit, the applicant shall, unless waived by resolution of the applicable Board, pay additional funds into the escrow account to maintain that account at 80% of the initial deposit.

F. In the event that an applicant shall withdraw his application at any stage of the proceedings or when the application review and approval process has been completed, the balance of funds in the applicant's account after all current outstanding fees are paid shall be either remitted to the applicant within 60 days of final action by the board or, if so directed by the applicant, remain on deposit as the applicant's initial payment toward post-approval inspection requirements (if required).

G. The applicant shall remain responsible for reimbursing the Village its invoiced costs and expenses in reviewing the applicant's land use application, notwithstanding that the escrow account may be insufficient to cover such costs and expenses.

H. In the event that the applicable board, in the course of reviewing an application, determines that the proposed action requires a positive declaration under SEQRA, all costs incurred by the board for review of any environmental impact statements, whether of a professional or clerical nature, shall be borne by the applicant pursuant to 6 NYCRR 617.8(a). Such costs shall be covered by an escrow account to be established pursuant to this section within 15 days of issuance of said positive declaration in an amount to be set by the applicable board pursuant to the fee schedule set forth as part of this chapter.

I. All applicants with matters described herein pending before the Village Board, Planning Board or Zoning Board of Appeals as of the effective date of this chapter shall be required to comply with the new fees and escrow account maintenance provisions contained herein.

J. In cases where the complexity of an application (or lack thereof) or unusual circumstances surrounding the matter require that the initial fee or the percentage of that initial fee to be maintained in escrow be modified, the reviewing board is authorized to grant such modification within the following guidelines:

(1) The amount of any initial fee modification shall be reasonably related to the costs attendant to the Village's review of the application.

(2) The amount of any escrow maintenance percentage shall be reasonably related to the complexity of the project as well as the stage to which the project has progressed as of the time of modification.

K. Each of the Village's engineering, legal and/or planning consultants who render services pertaining to a land use or development application shall submit monthly itemized vouchers to the Village Board (through the Clerk to the Planning Board and/or Zoning Board), reasonably setting forth the services performed and amounts charged for such services.

L. Copies of said itemized vouchers shall be transmitted to the applicant simultaneously with their delivery to the Village Board, together with a notice notifying the applicant that the failure to object to payment of the amount of the charges contained in said itemized voucher out of escrow funds within 15 days of the sending of said notice shall constitute an agreement by the applicant as to the reasonableness of the charges. Presentation of such statements shall be deemed complete when mailed by the Village to the applicant's designated representative.

M. The Planning Board and/or the Zoning Board (as appropriate) shall review vouchers for services rendered to each and shall communicate its approval of same to the Village Board. The Village Board shall review and audit all such vouchers and shall determine, in its discretion, the engineering, legal and planning fees which are reasonable in amount and necessarily incurred by the Village in connection with the review and/or approval of the land use or development application. A fee or expense of part thereof is reasonable in amount if it bears a reasonable relationship to the customary fee charged by engineers, attorneys or planners within the region for services performed on behalf of applicants or reviewing boards in connection with

applications for land use or development. The Village Board may also take into account any special conditions for considerations as the Village Board may deem relevant. A fee and expense or part thereof is necessarily incurred if it was charged by the engineer, attorney or planner for a service which was rendered in order to:

- (1) Assist in the protection or promotion of the health, safety or welfare of the Village or its residents;
- (2) Assist in the protection of public or private property or the environment from potential damage that otherwise may be caused by the proposed land use or development;
- (3) Assure or assist in compliance with laws, regulations, standards or codes which govern land use and development;
- (4) Assure or assist in the orderly development and sound planning of a land use or development;
- (5) Assure the proper and timely construction of public improvements, park and other facilities which affect the public welfare;
- (6) Protect the legal interest of the Village;
- (7) Avoid claims against and liability of the Village; or
- (8) Promote such other interests that the Village Board may specify as relevant.

N. After review and audit of such voucher by the Village Board, the Board shall authorize payment of same and shall provide to the applicant a copy of the voucher as audited.

O. The Planning Board and Zoning Board are hereby authorized, at the time of action on any project, to require that payment of any amount overdue be a condition of approval. No plat or plans will be signed, and no building permit or other permit or certificate of occupancy shall be issued, until such time as all reimbursement of costs and expenses has been fully paid. The Village Board, Planning Board, and Zoning Board of Appeals reserve the right, at their discretion, to deny action to any applicant with an overdue balance, until the account is brought into compliance with this section.

P. Amounts paid pursuant to this chapter shall be placed in a trust and agency liability account to fund expenses incurred by the Village in processing the application as provided for in Subsection A above. The Village shall keep a record of the name of the applicant and project and of all such monies deposited and withdrawn. Monthly vouchers submitted by the Village's engineers, attorneys and/or planners shall be reviewed and audited by the Village Board and provided to the applicant, and the applicant may appeal said audit amount as provided herein. The Village reserves the right to redact any voucher as deemed necessary.

Q. All fee and expense reimbursement payments are due and payable within 15 days after delivery of a copy of an itemized voucher to the applicant as provided for in Subsection L above. Interest shall accrue on any unpaid itemized voucher at the rate of 9% per annum. The

pursuance of an appeal under this section or § ~~64-4~~ shall not affect the obligation to pay interest on any unpaid balance ultimately determined to be due.

R. Any applicant who disputes any fee statement presented to him pursuant to this chapter may bring a proceeding in the Supreme Court of the State of New York, in and for the County of Orange, pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York, within 30 days after presentation of such disputed fee statement. The commencement of such a proceeding shall not stay the obligation of the applicant to pay any fee statement presented to him pursuant to this chapter.

S. Failure to reimburse fees. Any fee statement imposed by this chapter which remains unpaid at the time the Village certifies its annual tax roll shall become a lien upon the premises for which the application was made. Such unreimbursed fees shall thereupon be levied against the said premises, as if a tax on real property, and in addition to all other taxes, fees, rents or charges which would otherwise be so levied. In the event the affected premises comprises more than one tax lot, then the Village Treasurer shall distribute such levy equally among each such tax lot without regard to assessed value or any other factor.

T. The provisions of this chapter are severable. If any clause, sentence, paragraph, section, word or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, word or part thereof directly involved in the controversy in which such judgment shall have been rendered. If any portion of this article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Village of Warwick, the provision which establishes the higher standard shall prevail.

§ 64-4 Appeals.

A. An applicant may appeal, in writing, to the Village Board for a reduction in the required reimbursement amount. An appeal must be filed with the Village Board no later than 15 days after mailing or other delivery to the applicant of the contested voucher.

B. Failure to file an appeal within 15 days of the mailing of the voucher shall constitute waiver of any objection to the charge.

C. Upon such appeal, the Village Board, in its discretion, may determine that an applicant is not required to reimburse the Village for that part of an engineering, legal or planning fee incurred by the Village for services performed in connection with an application matter for which the Village Board determines the applicant bears no responsibility and which was beyond the reasonable control of the applicant.

D. The Village Board's determination shall be in writing and shall be made no later than 45 days after receipt of the applicant's appeal.

§ 64-5 Payment of fees.

All fees shall be payable to the Village of Warwick by certified funds or bank check.

§ 64-6 Supersedence.

This chapter is enacted pursuant to the authority of Subparagraphs a(11), a(12) and d(3) of § 10(1)(ii) of the Municipal Home Rule Law and § 22 of the Municipal Home Rule Law. To the extent that Village Law or any other provision of law does not specifically authorize the Village Board, Planning Board or Zoning Board of Appeals to require the reimbursement to the Village and the advance deposit of funds for engineering, legal and planning fees and expenses incurred by the Village in connection with land use, variance and development applications, it is the express intent of the Village Board to supersede such statutes. Further, to the extent such statutory provisions do not specifically authorize the deferral or withholding of decisions or other conduct by the Village's boards in the event such fees and expenses are not reimbursed to the Village, such statutory provisions are expressly superseded.

§ 64-7 Severability.

The invalidity or unenforceability of any particular provision of this chapter shall not affect the validity or enforceability of other provisions of this chapter, which provisions shall continue to be both enforceable and valid.

§ 64-8 When effective.

This chapter shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

2. I agree to comply with the requirements of Village Code Section §64-3

Emily Endenes
Applicant's Signature

23 Wheeler Ave, Warwick NY 10990
Applicant's Mailing Address

State of New York
County of Orange

Subscribed and sworn before me this 6th
day of October, 2025

[Signature]
Notary Public

