

**ZONING BOARD
VILLAGE OF WARWICK
DECEMBER 23, 2025**
Minutes

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:00 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Zoning Board of Appeals of the Village of Warwick was held on Tuesday, December 23, 2025, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman John Graney, Board Members: Nikki Delille, Margaret Politoski and John Prego. Board member Wes Burley was absent. Also present was Zoning Board Administrator, Kristin Bialosky and ZBA Attorney, Will Frank. Others present: James McAtee, Chris Kimiecik, Matthew Morales, Bernie Muler, Walter Merdak and Clement and Helen Truitt.

The Zoning Board of Appeals Chairman, John Graney, called the meeting to order. Kristin Bialosky held the roll call.

Acceptance of Minutes

A **MOTION** was made by John Prego, seconded by Margaret Politoski for the Acceptance of Minutes: November 18, 2025.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

Applications

1. **28 Wheeler Ave – Two -Story Addition**
<https://villageofwarwickny.gov/28-wheeler-ave-addition/>
Area Variance

Discussion:

The applicants, James McAtee and Chris Kimiecik appeared before the Board to present a revised proposal for the property, which currently contains a single-family residence located on a

pre-existing, nonconforming lot. The applicant noted that a prior proposal to convert the structure to a two-family residence was withdrawn following feedback from the Board, and the current application proposes renovations and an addition, retaining the home as a single-family dwelling. The proposed work includes removal of an existing rear deck, reconstruction largely within the deck footprint, roof modifications to improve interior usability, and reconfiguration of the interior layout to expand the residence from two bedrooms and one bathroom to three bedrooms with two to two-and-a-half bathrooms. The applicant stated that no changes are proposed to the existing setbacks. The lot area is approximately 4,863 square feet where 20,000 square feet is required under current zoning. The applicant represented that the proposed floor area ratio is approximately 0.27, exceeding the permitted 0.25, and acknowledged that some submitted plans reflect a higher figure, which will be reviewed and corrected by the project engineer prior to the public hearing. Based on the proposed increase in floor area on a nonconforming lot, the Building Inspector determined that variances are required. After discussion, the Board voted to schedule a public hearing for January 27, with public notice and neighbor notification to be completed in coordination with Village staff.

Schedule a Public Hearing for January 27, 2026 at 7:00 pm for 28 Wheeler Ave.

A **MOTION** was made by John Prego, seconded by John Graney, and carried to schedule a Public Hearing for January 27, 2026, at 7:00 pm for 28 Wheeler Ave.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

2. 23 Wheeler Ave. – Two Story Addition

<https://villageofwarwickny.gov/zba-23-wheeler-ave-two-story-addition/>
Public Hearing

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
VILLAGE OF WARWICK
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Village of Warwick, New York on Tuesday, December 23, 2025, at 7:00 p.m., or as soon thereafter as can be heard on said date. The public hearing will take place at the Village Hall, located at 77 Main Street, Warwick, New York, 10941. The public hearing will cover the application of Emily Enderes and Matthew Morales as applicant and property owner, for area variances from §145-41, §145-50, §145-62 and §145-131 of the Village's Zoning Code (the "Code") as noted below to allow for the construction of an addition to applicant's existing residential structure. The proposed project would require the following variances:

Reduce the side setback from 20 feet to 5.08 feet requiring a variance of 14.92 feet

Reduce the total side setback from 50 feet to 31.78 feet requiring a variance of 18.22 feet

Reduce the side yard from 10 feet to 5.08 feet requiring a variance of 4.92 feet

Reduce the distance between the principal building and accessory structure from 15 feet to 6.2 feet requiring a variance of 8.8 feet

The property is located in the Residential Zoning District. The Applicants' property is located at 23 Wheeler Avenue, Warwick, New York, tax lot (S-B-L): 207-5-8.2

The Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested in the proposed variance at the above time and place. The Zoning Board of Appeals will also consider such further relief as it finds necessary. Copies of the application, Environmental Assessment Form, plans and any other information submitted in support of it are available for review, during normal business hours, at the Planning and Zoning Department located at Village Hall.

The Village of Warwick will make every effort to assure the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk's Office at (845) 986-2031.

Dated: November 26, 2025

BY ORDER OF
THE ZONING BOARD OF APPEALS
VILLAGE OF WARWICK
JOHN GRANEY, CHAIRMAN

Discussion:

Chairman Graney read the public hearing notice above.

Open the Public Hearing for 23 Wheeler Ave.

A **MOTION** was made by John Graney, seconded by John Prego, and carried to Open the Public Hearing for 23 Wheeler Ave.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

The applicant, Matthew Morales advised the Board that family members were unable to attend due to illness and confirmed that all required neighbor notification letters had been mailed, with one letter returned. At the Board's request, the applicant provided an overview of the proposal, which involves constructing additions to the side, rear, and second story of the existing residence to provide additional living space in order to care for the applicant's mother, who has dementia. The proposed work would expand the home to a five-bedroom residence, including a first-floor bedroom intended for the mother and additional bedrooms on the second floor. The applicant stated that no trees are proposed to be removed. The Board reviewed the requested variances, which include reductions to side yard setbacks, proximity to an existing shed, and other bulk requirements. The Board opened the public hearing, during which one neighbor from 45 Wheeler Avenue spoke in support of the application. With no further public comment, a motion was made, seconded, and approved to close the public hearing.

Close the Public Hearing for 23 Wheeler Ave.

A **MOTION** was made by John Graney, seconded by John Prego, and carried to Close the Public Hearing for 23 Wheeler Ave.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

William Frank, Esq. declared the project was a type II action under SEQR and stated the ZBA Board can act on the application without having to wait for the Planning Board.

Approve Variance: Reduce the side setback from 20 feet to 5.08 feet requiring a variance of 14.92 feet

A **MOTION** was made by John Graney, seconded by John Prego, and carried to approve Variance: Reduce the side setback from 20 feet to 5.08 feet requiring a variance of 14.92 feet.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

Approve Variance: Reduce the total side setback from 50 feet to 31.78 feet requiring a variance of 18.22 feet.

A **MOTION** was made by John Prego, seconded by John Graney, and carried to approve Variance: Reduce the total side setback from 50 feet to 31.78 feet requiring a variance of 18.22 feet

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Approve Variance: Reduce the side yard from 10 feet to 5.08 feet requiring a variance of 4.92 feet.

A **MOTION** was made by John Prego, seconded by Nikki Delille, and carried to approve Variance: Reduce the side yard from 10 feet to 5.08 feet requiring a variance of 4.92 feet

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Approve Variance: Reduce the distance between the principal building and accessory structure from 15 feet to 6.2 feet requiring a variance of 8.8 feet.

A **MOTION** was made by John Prego, seconded by John Graney, and carried to approve Variance: Reduce the distance between the principal building and accessory structure from 15 feet to 6.2 feet requiring a variance of 8.8 feet.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Approve Will Frank, Esq. to draw up Resolution for 23 Wheeler Ave.

A **MOTION** was made by John Prego, seconded by Nikki Delille, and carried to approve Will Frank, Esq. to draw up Resolution for 23 Wheeler Ave.

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

John Graney Aye

Wes Burley Absent

Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

3. **10 Cottage – Subdivision Application**

<https://villageofwarwickny.gov/zba-10-cottage-st-subdivision-sbl-210-3-13-1-2/>

Public Hearing

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Village of Warwick, New York on Tuesday, December 23, 2025, at 7:00 p.m., or as soon thereafter as can be heard on said date. The public hearing will take place at the Village Hall, located at 77 Main Street, Warwick, New York, 10941. The public hearing will cover the application of Clement J. Truitt, II and Helen M. Truitt as applicant and property owner, for area variances from §145-41, §145-50 and §145-131 of the Village's Zoning Code (the "Code") as noted below to allow for the subdivision of applicant's property to create a second substandard buildable lot. The proposed subdivision would require the following variances:

Proposed Lot # 1 for which a residential structure is proposed:

Reduce the minimum lot area from 20,000 sf to 6,287.70 sf requiring a variance of 13,712.3 sf
Reduce the minimum lot width from 100 feet to 73.55 feet requiring a variance of 26.45 feet
Reduce the front setback from 35 feet to 16.8 feet requiring a variance of 18.2 feet
Reduce the minimum front yard setback from 35 feet to 16.8 feet requiring a variance of 18.2 feet
Reduce the minimum street frontage from 80 feet to 73.6 feet requiring a variance of 6.4 feet
Reduce the minimum lot depth from 125 feet to 83 feet requiring a variance of 42 feet

Proposed Lot # 2 which contains the current residential structure:

Reduce the minimum lot area from 20,000 sf to 6,287.16 sf requiring a variance of 13,712.84 sf
Reduce the minimum lot width from 100 feet to 72.45 feet requiring a variance of 27.55 feet
Reduce the side setback from 50 feet to 41.1 feet requiring a variance of 8.9 feet
Reduce the minimum street frontage from 80 feet to 72.4 feet requiring a variance of 7.6 feet
Reduce the minimum lot depth from 125 feet to 86 feet requiring a variance of 39 feet
Increase the floor area ratio from 25% to 29%

The property is located in the Residential Zoning District. The Applicants' property is located at 10 Cottage Street, Warwick, New York, tax lot (S-B-L): 213-3-13.1

The Zoning Board of Appeals will consider all verbal and/or written statements from all persons interested in the proposed variance at the above time and place. The Zoning Board of Appeals will also consider such further relief as it finds necessary. Copies of the application, Environmental Assessment Form, plans and any other information submitted in support of it are available for review, during normal business hours, at the Planning and Zoning Department located at Village Hall.

The Village of Warwick will make every effort to assure the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk's Office at (845) 986-2031.

Dated: November 26, 2025

BY ORDER OF
THE ZONING BOARD OF APPEALS
VILLAGE OF WARWICK
JOHN GRANEY, CHAIRMAN

Discussion:

Open the Public Hearing

A MOTION was made by John Graney, seconded by John Prego, and carried to Open the Public Hearing.

The vote on the foregoing motion was as follows: APPROVED

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Chairman Graney read the public hearing notice above.

The applicants, Clement and Helen Truitt appeared before the board to request approval to subdivide an existing 13,600-square-foot lot, which is already nonconforming under current zoning, into two equal substandard lots. The applicant explained that the purpose of the subdivision and associated area and setback variances was to limit future development potential and maintain the established single-family residential character of the neighborhood. He expressed concern that if the lot were sold as a single parcel, a future owner might attempt to construct a larger or more intensive development that could be inconsistent with surrounding homes. By subdividing the property and securing variances in advance, the applicant stated that any future construction would be constrained and more in keeping with nearby houses, many of which were built prior to current zoning regulations and are themselves nonconforming. The applicant also referenced historical subdivision activity on the property dating back to 1989 and acknowledged that any approved variances would run with the land.

A neighboring property owner, Bernice Balch of June Street, addressed the board and stated that she lives directly behind the vacant portion of the lot. While recognizing the applicant's right to subdivide and sell his property within the limits of village code, she expressed concern about potential loss of privacy, uncertainty regarding what type of structure could ultimately be built, and the proximity of any future building to her property line. She referenced recent nearby construction as an example of development that felt overly close to adjacent properties and stated that she and other neighbors were uneasy about the lack of predictability regarding future outcomes. Ms. Balch also noted that some neighbors were unable to attend the meeting due to

the hearing date. In addition, she raised, as a conceptual idea outside the scope of the application, the possibility of the village or neighborhood acquiring the vacant lot for use as a small pocket park, noting the lack of nearby park space; the board clarified that such a proposal would need to be addressed through a separate process.

Board members and staff clarified that the applicant was seeking to create two substandard lots from one existing substandard lot, a condition common in the neighborhood, and that any future development would still require compliance with zoning regulations and the approved variances. The applicant reiterated that a reduced front setback was being requested in part to allow any future structure to align with existing homes along the street, thereby increasing rear yard space and reducing impacts on adjoining properties. After confirming that all required notifications had been sent and that no further questions were raised by board members, the board discussed procedural options regarding the public hearing. A motion was made and seconded to close the public hearing, and the board agreed to proceed with deliberations. The board then began its formal review of the variance criteria, starting with consideration of the requested reduction in minimum lot area and whether granting the variance would result in an undesirable change in the character of the neighborhood.

Close the Public Hearing

A **MOTION** was made by John Graney, seconded by Margaret Politoski, and carried to Close the Public Hearing.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Will Frank went through the balancing test for the requested variances.

Deny variance to Reduce the minimum lot area from 20,000 sf to 6,287.70 sf requiring a variance of 13,712.3 sf.

A **MOTION** was made by John Graney, seconded by Margaret Politoski, and carried to Deny variance to Reduce the minimum lot area from 20,000 sf to 6,287.70 sf requiring a variance of 13,712.3 sf.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Deny variance to Reduce the minimum lot width from 100 feet to 73.55 feet requiring a variance of 26.45 feet

A MOTION was made by Nikki Delille, seconded by John Graney, and carried to Deny variance to Reduce the minimum lot width from 100 feet to 73.55 feet requiring a variance of 26.45 feet.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

Deny variance to Reduce the minimum lot area from 20,000 sf to 6,287.16 sf requiring a variance of 13,712.84 sf.

A MOTION was made by John Graney, seconded by John Prego, and carried to Deny variance to Reduce the minimum lot area from 20,000 sf to 6,287.16 sf requiring a variance of 13,712.84 sf.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye

John Prego Aye Nikki Delille Aye

During deliberations, a board member stated for the record that while he did not have an issue with the other requested variances, noting that similar variances had been approved for other properties—he opposed the variance related to creating a second substandard lot, which would result in two substandard lots. It was acknowledged by the board that if the variance to reduce the minimum lot area were denied, the remaining variances would effectively be moot and would not require individual consideration. The board agreed with this approach and proceeded accordingly. A motion was made to deny the variance request to reduce the minimum lot area from 20,000 square feet to approximately 6,287 square feet for the proposed vacant lot, requiring a variance of approximately 13,712 square feet, thereby preventing the creation of the second substandard lot; the board also agreed that the same action should apply to the second proposed lot containing the existing residential structure. Staff clarified procedural consistency, noting that the board does not typically make separate motions for each individual variance when multiple variances are requested, but rather acts collectively to approve or deny them. With respect to proposed lot number two, the board formally reviewed the statutory variance criteria, including whether granting the variance would result in an undesirable change in neighborhood character or detriment to nearby properties, whether the applicant could achieve the desired benefit without a variance, the substantiality of the variance, potential environmental or physical impacts, and whether the difficulty was self-created. The board answered these criteria in a manner supporting

denial. A motion was made and seconded to deny the minimum lot area variance for proposed lot number two, and the motion carried unanimously.

Following the vote, a motion was made and seconded directing counsel to prepare a resolution memorializing the board's decision to deny the requested variances. The board then addressed procedural matters, confirmed there was no further business to discuss, and unanimously approved a motion to adjourn the meeting. The meeting concluded with seasonal greetings exchanged among board members.

Will Frank, Esq. to draw up Resolution Denying Variances

A **MOTION** was made by John Prego, seconded by John Graney, and carried to have Will Frank, Esq. to draw up Resolution Denying Variances.

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

John Graney Aye Wes Burley Absent Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Adjournment

A **MOTION** was made by John Graney, seconded by Margaret Politoski, and carried to adjourn the regular meeting at approximately 8:00 p.m.

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

John Graney Aye Wes Burley Aye Margaret Politoski Aye
John Prego Aye Nikki Delille Aye

Kristin A. Bialosky, Zoning Board Administrator

No Executive Session was held