

**ZONING BOARD  
VILLAGE OF WARWICK  
JANUARY 27, 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 Wes Burley. Board member John Prego was absent. Also present was Zoning Board Administrator, Kristin Bialosky and ZBA Attorney, Will Frank. Others present: Chris Kimiecik.

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 Margaret Politoski, seconded by Nikki Delille for the Acceptance of Minutes: December 23, 2025.

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

John Graney Aye      Wes Burley Abstain    Margaret Politoski Aye

John Prego Absent      Nikki Delille Aye

**Applications**

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

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, January 27, 2026, 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 James McAteer and Chris Kimiecek as applicant and property owner, for area variances from §145-41 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 variance:

Increase the floor area ratio from 25% to 32%

The property is located in the Residential Zoning District. The Applicants' property is located at 28 Wheeler Avenue, Warwick, New York, tax lot (S-B-L): 207-2-26

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, 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: December 29, 2025

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

**Discussion:**

A motion was made to Open the Public Hearing.

**Open the Public Hearing for 28 Wheeler Ave.**

A **MOTION** was made by John Graney, seconded by Wes Burley, and carried Open the Public Hearing for 28 Wheeler Ave.

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

John Graney Aye      Wes Burley Aye      Margaret Politoski Aye

John Prego Absent    Nikki Delille Aye

The Chairman John Graney read the above Public Hearing notice. The applicant, Chris Kimiecik, explained that the existing rear deck had been removed and that the proposed addition would be located in the area shown as the darkened portion on the plans. The applicant stated the addition would be less than half the size of the previously existing deck and would involve removal of an existing portion of the house with a failing foundation. The applicant proposed squaring off the rear of the house and constructing a two-story addition to accommodate a third bedroom and a second bathroom. The applicant noted that they were initially advised by the Building Department that a variance would not be required if the addition remained within 12 feet, and the plans were then kept within that limit; however, the Building Department later determined a variance was required and the building permit was denied pending ZBA approval. It was confirmed that the required mailings were completed and receipts were provided. The Board discussed that the requested relief pertained only to Floor Area Ratio (FAR), with the proposed FAR rounded to 33% where the code allows 25%, and that there were no rear setback issues. The Board acknowledged the application before them was the amended application. No members of the public were present, and no correspondence was received. A motion was made to close the public hearing.

**Close the Public Hearing for 28 Wheeler Ave.**

A **MOTION** was made by John Graney, seconded by Wes Burley, and carried to close the Public Hearing for 28 Wheeler Ave.

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

John Graney Aye      Wes Burley Aye    Margaret Politoski Aye

John Prego Absent    Nikki Delille Aye

The Attorney discussed whether the application was a Type II action under SEQRA, noting that a Type II determination would allow the Board to proceed without further environmental review. The Clerk stated she did not want to confirm the SEQRA classification from memory and would need to verify it. Counsel indicated he was nearly certain it was a Type II action as it involved an expansion to an existing residence and explained that if it were a Type I or Unlisted action, additional environmental review would be required. It was confirmed the application was a Type II under SEQR and no further environmental review was required. The Board then reviewed the statutory balancing test criteria for the requested Floor Area Ratio (FAR) variance. The Board found that the variance would not cause an undesirable change in the neighborhood character or create a detriment to nearby properties, that the applicant could not achieve the desired benefit without a variance, that the variance would not have an adverse effect on the physical or environmental conditions of the neighborhood, and that the difficulty was self-created. The Board discussed whether the variance was substantial. A motion was made to grant the FAR variance to allow 33% FAR and to authorize counsel to prepare the appropriate resolution. The motion was seconded and approved by roll call vote, with all members voting in favor. The motion carried and the variance was granted.

**Grant Variance of 33% FAR and authorize counsel to prepare the appropriate Resolution for 28 Wheeler Ave.**

A **MOTION** was made by Member Nikki Delille, seconded by Chairman John Graney, and carried to Grant Variance of 33% FAR and authorize counsel to prepare the appropriate Resolution for 28 Wheeler Ave.

A roll call vote was taken:

Chairman John Graney Aye

Member Wes Burley Aye

Member Margaret Politoski Aye

Member John Prego Absent

Member Nikki Delille Aye

After the variance was granted, the applicant was advised of the next steps in the process. It was explained that counsel would prepare the resolution and, once signed by the Chairman, the resolution must be attached to the site plan as part of the project file. The applicant was further informed that the matter would then need to proceed to the Planning Board for review, including a public hearing, in accordance with the Village Code. The applicant expressed concern that they were previously advised by the Building Inspector that a public hearing may not be required and noted the expense of completing the mailing process again. It was explained that the ZBA does not establish the procedural requirements and must follow the Code. The Board thanked the applicant for attending and noted the cold weather conditions. It was stated there was nothing currently scheduled for the February meeting, and it was noted that applications must be submitted at least three weeks in advance in order to be placed on an agenda.

**Adjournment**

A **MOTION** was made by Nikki Delille, seconded by John Graney, and carried to adjourn the regular meeting at approximately 7:20 p.m.

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

John Graney Aye      Wes Burley Aye      Margaret Politoski Aye

John Prego Absent      Nikki Delille Aye

---

Kristin A. Bialosky, Zoning Board Administrator

**No Executive Session was held**