

**ZONING BOARD  
VILLAGE OF WARWICK  
JUNE 24, 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, June 24, 2025, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairperson John Graney, Board Members: Wes Burley, Margaret Politoski and Nikki Delille. Absent was Board member John Prego. Also present was Zoning Board Clerk, Kristin Bialosky and ZBA Attorney, Ashley Torre. Others present: James McAteer and Chris Kimiecik.

The Zoning Board of Appeals Chairperson, John Graney called the meeting to order.  
The Planning Board Clerk held the roll call.

**Acceptance of Minutes**

A **MOTION** was made by Wes Burley, seconded by Margaret Politoski carried for the Acceptance of Minutes: August 27, 2024

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

**Applications**

1. **28 Wheeler Ave – Area Variance – Two Family Home**  
<https://villageofwarwickny.gov/28-wheeler-ave-two-family/>

**Discussion:**

James McAteer and Chris Kimiecik, business partners with approximately 15 years of experience in real estate development, appeared before the Zoning Board of Appeals seeking

several area variances for a proposed conversion of a single-family home into a two-family residence. They described their background in property rehabilitation, rental management, and development, including experience with subdivisions and multifamily conversions. The applicants explained that they purchased the subject property in late 2024 in “as-is” condition after it had fallen into significant disrepair. The interior of the home was found to contain extensive damage, including structural issues, cat infestation, and deterioration caused by roof failure and moisture damage, especially around the chimney and in the rear bedroom. Their initial intention had been to rehabilitate and sell the property as a single-family home, but as the scope of repairs grew, including the need to replace the roof, possibly reframe the back portion of the house, and fully reconstruct the kitchen area, they reconsidered the financial feasibility of that plan. They concluded that investing substantial funds into a single-family structure would not produce a sufficient return and thus began exploring whether a two-family layout might be permissible under current zoning regulations. To pursue this, they consulted with the Village Building Inspector, and he advised the application had to go before the Planning Board. Their engineer, Brian Friedler, who was not present due to a personal matter, assisted with preliminary site planning. Mr. McAteer and Mr. Kimiecik’s proposal includes removing a dilapidated deck and replacing it with a new rear addition to accommodate the second dwelling unit, situated within all physical setbacks but requiring variances for lot coverage and potentially for floor area ratio. The applicants acknowledged that they did not yet have formal architectural plans due to the cost involved and were seeking feedback from the Zoning Board before investing further. In the absence of finalized plans, some dimensional details remained unclear, and members of the Zoning Board emphasized the need for clear, measurable drawings indicating exact setbacks and structure footprints, particularly for public review purposes. Much of the conversation focused on parking, which the applicants proposed to locate either fully in the rear of the house (accessed via Cherry Street) and partially in the front yard. They stated that their lot could accommodate four off-street spaces, stacked or side-by-side, without impacting neighboring properties. They noted that the rear of the property backs up to an apartment complex, and that their parking proposal would create minimal if any visual or physical disruption. Zoning Board Attorney Ashley Torre, advised that any front-yard parking, or any parking not clearly delineated in code, may require further interpretation, and that permeable versus impervious surface area may factor into the required calculations for lot coverage and stormwater management. The applicants expressed a willingness to use permeable pavers or similar materials if necessary. As the discussion continued, Chairman John Graney raised questions about the appropriateness of converting a single-family home—originally built for that purpose—into a multifamily dwelling, particularly where the lot size is undersized for two-family use under the Village Code. The Chair and several members expressed concern that granting the requested variances would serve primarily the applicant’s financial interests and not the intent or spirit of the zoning code. The applicants countered that many surrounding properties are multifamily and argued that their proposal would enhance the appearance and functionality of the home and provide high-quality rental housing in a desirable location. Chairman Graney strongly disagreed, asserting that the property is not as surrounded by multifamily homes as claimed, and that the proposed changes would be detrimental to neighborhood character. The discussion became pointed at times, with the Board emphasizing that any hardship appeared to be self-created, given the applicants purchased the property knowing its limitations. Mr. Kimiecik stressed that their objective was not simply to “flip” the property for profit, but to improve and retain it, possibly for their own family’s long-term use, and to offer quality rental housing in the Village. However, they

acknowledged that in the absence of Board support, they could scale back plans and either rehabilitate and rent the home as a lower-end single-family unit or sell it to another investor. One Board member commented that if the house were repaired properly, it could be marketed and sold to a young family and help preserve the single-family character of the neighborhood. The applicants responded that traditional financing is difficult for buyers in the property's current condition, and that investor-owned renovations were often necessary to make such homes viable in the marketplace. As a comparison, the applicants referenced a nearby three-family building on the same street, which had previously received approval for a large new structure on a small lot. Ms. Torre, Esq. established the two properties were not directly comparable in terms of zoning or entitlement. Toward the end of the discussion, the applicants asked for feedback from the Board before proceeding further. The Board reiterated that a full site plan with detailed dimensions and visual renderings would be necessary, particularly prior to any public hearing, as the public would need to clearly understand what was being proposed. Although there was discussion about scheduling a public hearing, the applicants ultimately chose to withdraw their application for the two-family conversion, citing uncertainty, the high cost of design work, and the preliminary resistance from the Board. They left open the possibility of returning with a scaled-back proposal to modestly enlarge the rear of the home, which may still require Planning Board and Zoning Board review, particularly if a second bathroom is added or the structure extends closer to the rear property line. Separately, Mr. Kimiecik raised concerns about recent construction activity near the Campbell Road golf course, where a foundation had been poured close to an existing home. The Zoning Board attorney explained that those approvals had been granted years prior, and the new developer recently returned to receive variances. No further action for the application was taken at the meeting.

### **Adjournment**

A **MOTION** was made by John Graney, seconded by Margaret Politoski, and carried to adjourn the regular meeting at approximately 7:45 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

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Kristin A. Bialosky, Zoning Board Clerk

### **Executive Session, if applicable**

Link to Youtube of meeting: <https://www.youtube.com/watch?v=Xn9U8o84pWo&t=1337s>