

**ZONING BOARD
VILLAGE OF WARWICK
OCTOBER 28, 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, October 28, 2025, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman John Graney, Board Members: Wes Burley, Nikki Delille, Margaret Politoski and John Prego. Also present was Zoning Board Administrator, Kristin Bialosky and ZBA Attorney, Will Frank. Others present: Tim and Amy Smith, David L. Jones, Enderes-Morales Family and Tyler Folino.

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: August 26, 2025.

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

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

A **MOTION** was made by Wes Burley, seconded by John Graney for the Acceptance of Minutes: September 23, 2025.

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

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

Applications

1. 25 Park Ave – One story Addition – SBL 214-5-3

<https://villageofwarwickny.gov/zba-25-park-ave-one-story-addition-sbl-214-5-3-smith/>

Discussion:

The Board opened the public hearing for 25 Park Avenue (SBL 214-5-3) regarding a proposed one-story addition.

Open Public Hearing, 25 Park Ave; October 28, 2025

A **MOTION** was made by John Graney, seconded by Johnathan Burley, and carried to open the public hearing for October 28, 2025.

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

Chairman Graney read the Public Hearing Notice:

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, October 28, 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 Timothy Smith and Amy Smith as applicant and property owner, for an area variance from §145-41 and §145-50 of the Village's Zoning Code (the "Code") to allow for the construction of a 12' x 30' addition onto their existing home. The proposed addition would reduce the side yard setback from 20 feet to 7.4 feet requiring a variance of 12.6 feet. The property is located in the Residential Zoning District. The Applicants' property is located at 25 Park Avenue, Warwick, New York, tax lot (S-B-L): 214-5-3.

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: October 1, 2025

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

The Zoning Board attorney, Will Frank confirmed that all mailings were received. The Smiths presented their proposal for a one-story addition to their home located on a corner lot at Park Avenue and Parkway. The purpose of the addition is to enlarge the existing family room, which is currently only about 11 to 12 feet wide, making it difficult to use effectively as a gathering space. The expansion will also include a new laundry area to eliminate the need to access the current basement laundry via a steep and narrow staircase, which poses challenges for the homeowners. The architect has confirmed that the proposed design will maintain the architectural integrity and aesthetic consistency of the neighborhood. The addition will be built at ground level with a crawl space rather than a basement, and an existing fence on the property line, owned by the Smiths will be removed to accommodate construction. The side yard setback will be reduced from 20 feet to 7.4 feet to allow for the addition, which will extend into an unused area of lawn without impacting any trees or shrubbery. The homeowners emphasized that the project is designed to be practical, visually appealing, and considerate of neighboring properties. The board and attendees were invited to ask questions or share comments, and no objections or comments were raised from the public. It was noted that written correspondence was received from Paul Fine who lives at 19 Park Ave in support of the project. A motion was made to close the Public Hearing.

Close the Public Hearing, 25 Park Ave; October 28, 2025

A **MOTION** was made by John Prego, seconded by Johnathan Burley, and carried to close the public hearing for October 28, 2025.

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

The Board discussed the requirements for granting an area variance, noting that each of the five statutory criteria must be reviewed and analyzed before a decision can be made. It was explained that not every criterion must be fully met, but there must be substantial compliance overall. The Zoning Board Attorney, Will Frank, Chairman, then led the Board through the five factors: whether the variance would cause an undesirable change to the neighborhood's character or detriment to nearby properties; whether feasible alternatives existed that would not require a variance; whether the request was substantial; whether there would be any adverse physical or environmental impacts; and whether the difficulty was self-created. After reviewing each of these points, the Board concluded that the variance did not create adverse impacts to the neighborhood or environment, though the difficulty was considered self-created. The attorney, Will Frank, advised the board they could make a motion for the Decision to be drafted and the Chairman would sign and the applicants will then proceed onto the Planning Board.

Variances approved and Council for ZBA will prepare a decision reflecting the Board's vote for signature by the Chairman.

A **MOTION** was made by Margaret Politoski, seconded by John Graney, and carried for variances approved and Council for ZBA will prepare a decision reflecting the Board's vote for signature by the Chairman.

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

2. 24 Howe St. – SHED

<https://villageofwarwickny.gov/zba-24-howe-st-shed/>

Discussion:

Mr. David Jones appeared before the Board with his wife, Cecile, to discuss their application. Mr. Jones explained that they recently purchased their home and wished to replace an existing, dilapidated shed measuring approximately nine by ten feet with a new ten by ten shed in the same general location. He described the area as overgrown with weeds and vines and detailed his plan to prepare a gravel base for the new shed, which would be used to store sailing equipment and tools. The project would require removal and possible reinstallation of sections of fencing, but no disturbance of nearby trees. Because the property is a corner lot, the proposed shed would be situated approximately three feet from both the rear and side property lines, as well as closer than the required 15 feet from the principal dwelling, necessitating variances for setbacks. The Board confirmed the application was complete and discussed scheduling a public hearing. A motion was made and seconded to hold the hearing on Tuesday, November 18 at 7:00 p.m., subject to the availability of the meeting room, as there would not be enough Board members available for a quorum, the next ZBA meeting was rescheduled from November 25 to November 18, 2025.

Schedule a Public Hearing for November 18, 2025 for 24 Howe Street

A **MOTION** was made by John Prego, seconded by Wes Burley, and carried to schedule a Public Hearing for November 18, 2025 for 24 Howe Street.

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

1. 23 Wheeler Ave. – Two Story Addition

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

Discussion:

Mr. Tyler Folino appeared before the Board on behalf of the homeowners of 23 Wheeler Avenue to present plans for a two-story addition to the residence. He explained that the addition would be located to the rear and side of the existing home and would require variances for the side-yard setbacks as well as for the required distance between the new structure and an existing accessory building. The purpose of the project is to add a first-floor bedroom suite and expand the kitchen area to improve the livability and functionality of the home. The design was chosen to minimize disruption to the existing layout and to maintain natural light in the front rooms of the house. Mr. Folino stated that the proposed location for the addition was selected because the existing driveway and creek are situated on the opposite side of the home, and the rear portion offered the least invasive area for construction without requiring a major reconfiguration of the first floor. During discussion, the Board confirmed that the applicants had already appeared before the Planning Board and that a letter had been received from the County in response to the project merging the two lots into one SBL. Mr. Folino explained that the County had commented on the need to merge the two lots associated with the property. The homeowners subsequently completed all necessary paperwork with the Town Assessor's office to initiate the merger process, and the documentation was forwarded to the County for final approval. Mr. Folino confirmed that taxes were current and that all variance dimensions shown on the submitted plans were based on the assumption that the two parcels would be formally combined into a single lot. Board members discussed the procedural implications of this pending merger. The Village Attorney advised that, even if the Board were inclined to grant the variances, it could not do so until the merger was officially finalized and recorded by the County, as the current tax lot number and property boundaries must be clearly established before any approvals can be issued. The Board considered whether to proceed with scheduling a public hearing in anticipation of the merger being completed soon. Mr. Folino noted that the paperwork had been submitted to the County several weeks earlier, and the applicants were hopeful that the process would be completed in time for the November meeting. Several Board members expressed concern about proceeding prematurely, explaining that if the merger was not finalized in time, the applicants would incur additional costs for re-notification and mailings. It was noted that the certified mailings for a public hearing can cost several hundred dollars, and rescheduling would double that expense. The Board emphasized that while they did not wish to delay the project

unnecessarily, they also wanted to avoid placing an undue financial burden on the applicants by requiring duplicate mailings and advertisements. In response, Mr. Folino asked whether it would be possible to request a public hearing contingent upon receiving confirmation from the County that the merger was in process. The Board and staff discussed this possibility, but it was clarified that the public hearing notice must include the correct Section, Block, and Lot (SBL) number for the merged parcel, which could not be done until the merger was official. Using the current SBLs would not be appropriate, as the proposed addition and required variances were based on the merged lot configuration. The Board concluded that proceeding before the merger was finalized would risk improper public notification and potential procedural errors that could invalidate the approval process. The consensus of the Board was that it would be prudent to revisit the matter at the November meeting to confirm the status of the lot merger. If the merger had been officially completed by that time, the Board could then schedule a public hearing for December, allowing for proper notice and mailing timelines. Mr. Folino was advised to follow up directly with the County Real Property Office to check on the status of the merger and to reach out to Village staff to ensure the project would be placed on the November agenda once confirmation was received. Board members emphasized that the issue was purely procedural and not related to the merits of the application. The Board reiterated that once the merger was finalized and the proper documentation submitted, the application could move forward with scheduling a Public Hearing. It was established if all required materials were received prior to the November submission deadline, the Board could review the matter at that time and, if appropriate, vote to schedule the public hearing for the December meeting. In closing, the Board thanked the applicants and Mr. Folino for their presentation and cooperation. They commended the homeowners for the thoughtful design and noted that 23 Wheeler Avenue is one of the more distinctive and well-preserved properties in the Village. The applicants were encouraged to maintain communication with the County and Village staff to expedite the process so that the matter could be resolved without unnecessary delay.

The Board established that there were not enough Board members to attend the November 25th ZBA meeting and it was decided that the ZBA Meeting be moved to November 18th.

Adjournment

A **MOTION** was made by Chairman John Graney, seconded by John Prego, 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 Absent

John Prego Aye Nikki Delille Aye

Kristin A. Bialosky, Zoning Board Administrator

No Executive Session was held

Link to YouTube of meeting: <https://www.youtube.com/watch?v=vn6CyMH6KJ4>