

**ZONING BOARD
VILLAGE OF WARWICK
SEPTEMBER 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, September 23, 2025, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman John Graney, Board Members: Nikki Delille, Wes Burley and John Prego. Absent was Board Member Margaret Politoski. Also present was Zoning Board Administrator, Kristin Bialosky and ZBA Attorney, Will Frank. Others present: John Peruso, Lauren Peruso, Francesca Merdak, Walter Merdak, Joseph Irace, Chris Kimiecik, James MacAteer, Michael Weslowski, John Peruso Sr., Clement Truitt, Tim and Amy Smith, N. Thompson, Alex Thompson and Noel Thompson, Patrick Corcoran and Melody Brown.

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

Before the meeting began, ZBA Administrator Kristin Bialosky introduced the new Zoning Board of Appeals attorney, Mr. Will Frank of Bluestein, Shapiro, Frank & Cologne. Mr. Frank will provide legal guidance and advise the Board during ZBA meetings.

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 discussion on the application for 25 Park Avenue (SBL 214-5-3) regarding a proposed one-story addition. The homeowners, Tim and Amy Smith, along with their representative, Joe Irace, presented plans to extend the rear of the residence by 12 feet to create a 12' x 30' addition. The addition would expand the living room and provide an accessible laundry area on the main floor. This proposal reduces the side yard setback from 20 feet to 7.4 feet, requiring a variance of 12.6 feet. The applicants noted that no trees would be removed, existing fencing would remain, and the addition would match the exterior of the home. They also indicated that their neighbors are supportive of the project. The Board discussed SEQRA

requirements and noted the need to confirm whether the Planning Board declared lead agency. It was agreed that the application was complete, and the next step would be to schedule a public hearing. A motion was made to schedule the public hearing for the next ZBA meeting on October 28.

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

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

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

A statement was made noting that the application is classified as a Type II action under SEQRA, and therefore no further environmental review is required.

2. 10 Cottage St. – Subdivision – SBL 210-3-13.1

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

Discussion:

The applicant, Mr. Truitt, began by clarifying that the initial application referred to a “one or two family house,” as he believed this wording would provide flexibility for a future purchaser of the property. However, after discussion with the ZBA he wanted to amend the application to specify a “single-family residence” or “residential building,” as the mention of a possible two-family house had caused concern among neighbors. The applicant stated that his intent is simply to subdivide the property at 10 Cottage, creating a new 6,600 sq. ft. lot, and then sell that lot to use the proceeds for improvements to the existing residence at 10 Cottage. He stressed that he does not intend to build on the new lot himself. In response to concerns raised at the prior meeting, the applicant explained that he had personally spoken with his neighbors on Cottage Street and McEwen Street to gather feedback on the proposal. He reported that approximately 95% of those he spoke with were supportive of the subdivision and the construction of a single-family residence on the new lot, with only a small number opposed. He provided specific examples, noting that one neighbor, Mr. Gallagher of 79 McEwen, expressed opposition, while others indicated no objection and in many cases support. The applicant acknowledged that the subdivision would result in a substandard lot requiring area variances but pointed out that many of the existing homes in the neighborhood were built decades ago and do not conform to current zoning standards. He argued that a single-family home on a 6,600 sq. ft. lot would remain in character with the neighborhood. The Board acknowledged the applicant’s efforts but emphasized that the request could not move forward without more specific information. Members explained that before a public hearing can be scheduled, the application must clearly outline the scope of what is being proposed, including a site plan showing the footprint of the proposed house, the exact setbacks, and the specific variances being requested. Without these details, the Board cannot properly evaluate the application, and the public cannot be adequately informed in advance of a hearing. Members

further noted that any approval granted must be tied to defined limits so that future owners of the property cannot expand or alter the project beyond what was approved. The Board reiterated that the current request to simply subdivide and create a vacant lot is insufficient for consideration. It was further noted that the Planning Board, which has jurisdiction over subdivisions, would also need to understand the applicant's intent for the lot in order to evaluate the proposal. Discussion included clarification that the property is not currently a vacant lot but would only become vacant if subdivided, and Board members emphasized the need for clarity in how the property is described in the application. Ultimately, the Board concluded that additional materials must be submitted before any further action can be taken. Specifically, the applicant must provide a site plan prepared by his engineer showing the proposed building footprint, setbacks, and the precise variances being requested. Once those details are received, the ZBA Administrator will circulate them to the Board for review, and the matter can be scheduled for public hearing at a future meeting. The applicant acknowledged these requirements and agreed to work with his engineer to prepare the necessary information.

3. 24 Wheeler Ave – Two Family – SBL 207-2-28.2

<https://villageofwarwickny.gov/zba-24-wheeler-ave-two-family/>

Public Hearing:

Discussion:

Chairman Graney introduced the application and read the Public Hearing Notice:

**ZONING BOARD OF APPEALS
VILLAGE OF WARWICK, NEW YORK**

A Public Hearing before the Zoning Board of Appeals of the Village of Warwick will be held on Tuesday, the 23rd day of September 2025 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF JOHN AND LAUREN PERUSO for property located at 24 Wheeler Ave, Warwick, New York, designated on the Village tax map as Section 207, Block 2, Lot 24, and located in the R (Residential) and Limited Office Overlay (LO) Districts, for variances from the Zoning Code to (1) reduce the minimum lot area from 22,500 square feet to 5,798 square feet; (2) reduce the minimum lot width from 125 feet to 59.3 feet; (3) reduce the front yard setback from 40 feet to 21.1 feet; (4) reduce the front yard from 40 feet to 20 feet; (5) reduce the side yard setback from 25 feet to 11.1 feet; (6) reduce the total side yard setback from 60 feet to 30.5 feet; (7) reduce the side yard from 15 feet to 9.8 feet; (8) reduce the street frontage from 90 feet to 59.3 feet; (9) reduce the livable floor area from 900 square feet to approximately 570 square feet for proposed Unit #2; (10) reduce the required parking spaces from four (4) to three (3) (*see* Village Code § 145-70A(3)(a)); and (11) to locate two (2) 2 parking spaces in the front yard where only one (1) is permitted (*see* Village Code § 145.71A). The variances are sought for the purpose of converting a single-family residence to a two-family residence.

The above application is available for inspection at the office of the Board of Appeals, 77 Main Street, Warwick, New York. Persons wishing to appear at such hearing may do so in person or by

attorney or other representative. Communications in writing in relation thereto may be filed with the Board or at such hearing.

JOHN GRANNEY,
CHAIRMAN
DATED: JULY 29, 2025

The attorney, Will Frank, confirmed that the public hearing notice was posted and published in accordance with the law.

Open Public Hearing, 24 Wheeler Ave; October 28, 2025

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

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

Chairman opened the public hearing and it was explained that the public hearing procedure would be: the applicant would present their application first, followed by questions from the Board, and then public comment.

Applicant's Statement:

Mr. John Peruso, owner of 24 Wheeler Avenue, addressed the Board. He explained that he is seeking to reclassify his existing single-family home as a two-family dwelling. He emphasized that no additions, exterior changes, or alterations to the footprint are proposed. The home already contains two kitchens and a functional two-unit layout. His request is simply to have the legal use of the property match the physical reality. Mr. Peruso stated that Wheeler Avenue and the adjoining Cherry Street are already among the most diverse streets in the Village, containing a mix of single-family homes, two-family homes, multi-family residences, and businesses, given the location in a limited overlay district. He argued that his request is consistent with the neighborhood character. He provided a spreadsheet and aerial photographs of nearby two-family homes, noting that all of them fall below the current minimum lot size required by code and nevertheless function without issue. He further noted that the Village of Warwick, as well as New York State, have policies encouraging the creation of safe, affordable, and code-compliant housing. The Village's own website has highlighted accessory dwelling units (ADUs) and programs to support them. Mr. Peruso argued that his request aligns with those goals, creating safe housing without new construction or environmental impacts.

In addressing the statutory balancing test, he stated:

- **Neighborhood character:** No exterior changes are proposed, and the block already has a mix of uses.
- **Feasible alternatives:** The home's structure already accommodates two units; removing improvements would be wasteful.
- **Environmental/physical impacts:** None, as there are no new additions, drainage changes, or impervious surfaces.
- **Self-created hardship:** While some variances are technically self-created, the lot size, setbacks, and layout are long-standing conditions predating his ownership.
- **Balancing test:** On balance, there are no negative impacts.

He acknowledged that multiple variances are being requested but argued each should be judged on its own merits, not collectively. He also addressed concerns raised at the prior meeting, clarifying:

- **Density:** The house has four bedrooms now and will continue to have four bedrooms; whether occupied by one or two families does not change that.
- **Tenants:** Considering who might live in the home is not an appropriate standard under the balancing test.
- **Financial benefit:** Any personal gain is irrelevant under the law.
- **Precedent:** Each application is decided individually, so granting this request does not automatically set a precedent.
- **Property values:** Not part of the balancing test, but he noted that he has already improved the home significantly, raising its value and enhancing the neighborhood.

Mr. Peruso concluded that his application is modest, causes no negative impacts, and is fully consistent with Village and State housing policy. He respectfully requested approval.

Board Questions and Discussion:

The Board asked whether Mr. Peruso currently resides in the home. He responded that he did but has purchased another residence which is under renovation, and therefore 24 Wheeler will become a rental property. The Board sought clarification as to whether the property currently contains a legal accessory dwelling unit. Mr. Peruso explained that it is presently a single-family home. He installed a second kitchen with permits, but it is not legally designated as an ADU. He stated that while the home could function as a single-family with ADU, once sold, such an arrangement would not remain compliant without further approvals. Board members discussed the positives and negatives of the proposal. On the positive side, they noted the footprint is unchanged, and the home's external appearance would not alter the neighborhood. On the negative side, members expressed concern that granting the variances could serve as an example for other property owners with single-family homes and ADUs to seek conversion to multi-family, which could incrementally affect neighborhood character. The parking was also discussed at length. Mr. Peruso stated there are currently three spaces: one in the garage, one in front of the garage, and one adjacent to it. He noted that a fourth space once existed as a gravel driveway on the left side of the property, which has since become overgrown but could be reestablished if required. He presented historic photos and Google imagery showing evidence of

that prior driveway. He emphasized that while code requires 3.5 spaces, the property already has three, making the variance request minor in his view. Mr. Peruso further explained that rental income would allow him to better maintain the property with professional landscaping and upkeep, benefitting the neighborhood as a whole. The public was invited to make comments: Ms. Nancy Thompson of 16 North Street requested clarification on the location and details of the application. Mr. Peruso provided additional photographs of the home, including historic and current views, to illustrate his points. The residents that spoke were in favor of Mr. Peruso's application. Several members of the public spoke in support, including Nancy Thompson, Melody Brown, and Patrick Corcoran, citing the need for additional housing, support for safe and legal multi-family use, and the minimal impact on neighborhood character. Another resident, Michael Weslowski, highlighted the broader issue of affordable housing in Warwick.

Close Public Hearing, 24 Wheeler Ave; October 28, 2025

A **MOTION** was made by John Graney, 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 Absent

John Prego Aye Nikki Delille Aye

The Board then proceeded to review the remaining variances individually:

All the variances were approved except for the following variance:

- **Variance 11:** Allowing two parking spaces in the front yard where only one is permitted – **not approved** due to concerns regarding potential detriment to neighborhood character.

All other variances were approved based on the Board's assessment that they were pre-existing, did not create additional physical or environmental impacts, and aligned with the balancing test criteria. The applicant was advised that the parking configuration in the front yard would need to be revised and resubmitted for review through the Planning Board for site plan consideration before returning to the Zoning Board if necessary. The Board concluded that the application, with the exception of the front-yard parking adjustment, met the criteria for approval and was consistent with the neighborhood character, pre-existing conditions, and the goal of maintaining safe, code-compliant housing.

Adjournment

A **MOTION** was made by Chairman John Graney, seconded by John Prego, and carried to adjourn the regular meeting at approximately 8:50 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

Executive Session, if applicable

Link to YouTube of meeting: <https://www.youtube.com/live/8I2KXHBV3aQ>