

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS

RESOLUTION of Variance Determination upon Application
of JOHN PERUSO AND LAUREN PERUSO

Decision and Order
ZBA File No. 2025-_____

24 Wheeler Avenue
Tax Map SBL 207-2-28.2

At a meeting of the Village of Warwick Zoning Board of
Appeals duly convened on September 23, 2025 at 7:00 p.m.

Present: John Graney, Chairman
Wes Burley, Member
Nikki Delille, Member
John Prego, Member

Absent: Margaret Politoski, Member

MOTION made by J. Graney, seconded by J. Burley, and the following voting in favor:
ALL members present, and the following voting in opposition: NONE, to open the public
hearing in the above-referenced matter:

This is an application for the following area variances from the Village Zoning Code with
respect to the property located at 24 Wheeler Ave, Warwick, New York, designated on the
Village tax map as Section 207, Block 2, Lot 28-2, and located in the R (Residential) and
Limited Office Overlay (LO) Districts 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;

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- (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) 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.

John Peruso, co-owner of the subject property stated that he is seeking to reclassify his existing single-family home as a two-family dwelling. He advised the Board that no additions, exterior changes, or alterations to the footprint of the property 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 asserted that his request is consistent with the neighborhood character. He provided a spreadsheet and aerial photographs of nearby two-family homes, noting that

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all of them fall below the current minimum lot size required by the Village Code and nevertheless function without issue.

In addressing the factors in granting the requested variances, Mr. Peruso stated as follows:

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

The Board members discussed the facts associated with the application. Factors mitigating in favor of granting the variances include the following: i) the footprint of the existing dwelling is unchanged; and ii) the home's external appearance would not alter the character of the neighborhood. The Board did express some concern that granting the variances could serve as an example for other property owners with single-family homes and accessory dwelling units to seek conversion to multi-family, which could incrementally affect neighborhood character. The parking area was also discussed at length and the Board concluded that permitting area variance number 11 would be a detriment to the character of the neighborhood.

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Members of the public were invited to make comments with several residents speaking in support of the application citing the need for additional housing, support for safe and legal multi-family use, and the minimal impact on neighborhood character.

MOTION made by J. Graney, seconded by J. Burley, and the following voting in favor: ALL members, and the following voting in opposition: NONE, to close the public hearing.

MOTION made by J. Graney, seconded by J. Burley, and the following voting in favor: ALL members, and the following voting in opposition: NONE, the following resolution was adopted:

Following the conclusion of the public hearing, the Board makes the following findings:

RESOLVED, that this application has previously been designated as a Type II under the State Environmental Quality Review Act and no further environmental review is necessary.

I. Area Variances Numbered 1-10

MOTION made by J. Graney, seconded by J. Burley, and the following voting in favor: ALL members, and the following voting in opposition: NONE, the following resolution was adopted:

IT IS HEREBY RESOLVED, that with regards to requested area variances numbered 1-10 from the Village Zoning Code in the application brought by John Peruso and Lauren Peruso to wit:

- (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;

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- (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)),

the following findings are hereby made:

A. Pursuant to proper notice, a public hearing was convened at the Warwick Village Hall on the 23rd day of September, 2025 at 7:00 p.m. Kristin Bialosky, Secretary of the Zoning Board of Appeals, confirmed that she had received proof that the necessary notices of the public hearing had been mailed to the neighboring property owners, and that the required newspaper publications and conspicuous postings of the notice had timely occurred.

B. Following the motion to close the public hearing, the Board proceeded to deliberate in open session on the Application.

C. Based upon the oral and written testimony and evidence in the record, the Board renders the following conclusions with respect to area variances numbered 1-10 in the instant application:

- i. that the benefit to the Applicants cannot be achieved by other means feasible to the Applicants due to the layout of the Property;
- ii. that there will be no undesirable change in neighborhood character or detriment to nearby properties;
- iii. that the requested area variance is not substantial;

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- iv. that the request does not have any adverse physical or environmental effects;
- v. that the alleged difficulty to the Applicants is partially self-created; and
- vi. that the benefit of the requested relief to the Applicants would outweigh the potential detriment, if any, to the health, safety, and general welfare of the community.

Based on the foregoing, it is hereby

RESOLVED, that Area Variances 1-10 are hereby **GRANTED**.

II. Area Variance Number 11

With regard to Area Variance Number 11 requested in the instant application in which the Applicants seeks to locate two (2) parking spaces in the front yard where only one (1) is permitted (see Village Code § 145.71A), the following findings are hereby made:

Based upon the oral and written testimony and evidence in the record, the Board renders the following conclusions with respect to area variances number 11 in the instant application:

- i. that the benefit to the Applicants can be achieved by other means feasible to the Applicants due to the layout of the Property;
- ii. that there would be an undesirable change in neighborhood character or detriment to nearby properties;
- iii. that the requested area variance is not substantial;
- iv. that the request does have any adverse physical effects;
- v. that the alleged difficulty to the Applicants is self-created; and
- vi. that the benefit of the requested relief to the Applicants does not outweigh the potential detriment, if any, to the health, safety, and general welfare of the community.

Based on the foregoing, it is hereby

RESOLVED, that Area Variance Number 11 is hereby **DENIED**, and it is further

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RESOLVED, that the Applicants are respectfully advised that the proposed parking configuration in the front yard of the subject property should be revised and thereafter resubmitted to the Village Planning Board for site plan consideration consistent with this decision.

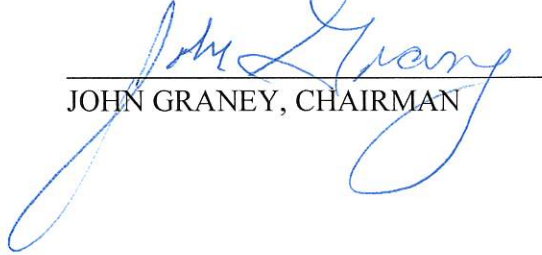
The foregoing is the Decision and Order of the Zoning Board of Appeals.

Dated: October 8, 2025

Resolution Approved:

Resolution Filed:

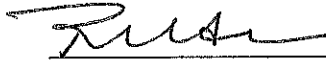
BY ORDER OF THE ZONING
BOARD OF APPEALS OF THE
VILLAGE OF WARWICK



JOHN GRANEY, CHAIRMAN

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I, Raina Abramson, Village Clerk, do hereby certify that the foregoing Determination was filed in the Office of the Village Clerk on October 23, 2025, and copies provided to the Building Inspector and mailed to the Applicant.

A handwritten signature in cursive script, appearing to read 'Raina', is written over a horizontal line.

RAINA ABRAMSON, CLERK
VILLAGE OF WARWICK, NEW YORK