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May 9, 2025

MEMO

TO: Village of Warwick Planning Board
Applicant

CC: Kristin Bialosky, Planning Board Clerk
Keith Woodruff, Village Engineer

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of Christopher Kimiecik and James McAteer
28 Wheeler Avenue
207-2-26

I have reviewed the site plan application of Christopher Kimiecik and James McAteer for the conversion of a single-family residence located at 28 Wheeler Avenue into a two-family residence.

In preparation of this memorandum, I have reviewed the following:

- Cover letter of Friedler Engineering, dated April 21, 2025
- Site Plan Application, dated April 21, 2025
- Short Form Environmental Assessment Form, dated April 21, 2025
- Site Plan prepared by Friedler Engineering, PLLC dated April 15, 2025

I offer the following comments:

| Comment | Status |
|--|-----------------|
| 1. The Property is located in the Residential (R) zoning district and the Limited Office (LO) Overlay zone. | For Information |
| 2. Two family detached residence is permitted in the LO subject to site plan and is categorized as use group “g.” Site plan is required because the proposed project is not compliant with the bulk table. See 145-90(A)(1) and (2). | For Information |

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| 3. Applicant's engineer to verify distance between property and Main Street (NYS Route 94) to confirm whether the project is subject to GML 239 review. | |
| 4. I note the comments of Keith Woodriff, dated May 8, 2025 | For Information |
| 5. SEQR: The applicant has submitted a short form environmental assessment form. The proposed expansion and the associated variances are a Type II action under SEQR. See 6 NYCRR 617.5 (C) (11), (16), (17) | For Information |
| 6. The property is a corner lot requiring two front yards. See 145-54. Yards to be marked on site plan. | |
| <p>7. Variances:</p> <p>The following variances appear to be required.¹</p> <ul style="list-style-type: none"> • Minimum Lot Area (22,500 sq ft to 4863 sq. ft.) • Lot Width (125 ft to 50 ft) • Front Yard (Cherry Street) (40 ft to 10.5 ft) • Front Yard (Wheeler Avenue) (40 feet to 16.7) • Rear Yard Setback (35 ft to 15.8 feet) • Side Yard (15 ft to 12 ft) • Development Coverage (35% to 42%) <p>Existing conditions relate to single-family home (use group b). The proposed use of two-family requires compliance with more restrictive dimensional standards (use group g) resulting in an increase in the degree of non-conformity. The addition, which replaces the existing deck, also expands upon existing non-conformities. See 145-52 (Deck may project into required setbacks). As such, area variances are needed</p> <p>See also 145-131 (E) for additional residential requirements as they relate to non-conforming lots.</p> <p>I note for the applicant that the proposal represents a significant deviation from the Village's zoning code.</p> | |
| 8. The conditions of the ZBA's variance should be incorporated into any conditions of approval. | |

¹ The variances needed are subject to change based upon potential revisions in response to comment # 9.

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| <p>9. Bulk table to be corrected as follows:</p> <ul style="list-style-type: none"> • Note required variances • Livable Floor Area to be corrected to 900 sq feet. • F.A.R. not to exceed 0.25 • Front Yard (Wheeler Ave) is listed as 6.5 but the plans identify 16.7 <p>Setbacks to be shown on the plan.</p> | |
| <p>10. Dimensions of proposed addition to be provided to determine compliance with bulk standards and confirm required variances.</p> | |
| <p>11. Applicant to identify parking spaces. Per § 145-70(A)(4), notes that a driveway for a two-family residence may count as one parking space, other than on a corner lot, where the visibility at intersection is to be safeguarded.</p> | |

These comments are based upon a preliminary review of the submitted materials. Our office reserves the right to provide additional comment upon further submission.