

**ARCHITECTURAL AND HISTORIC DISTRICT REVIEW BOARD  
VILLAGE OF WARWICK  
JULY 30, 2024  
Minutes**

**LOCATION:  
VILLAGE HALL  
77 MAIN STREET, WARWICK, NY  
4:30 P.M.**

The Regular Meeting of the Architectural and Historic District Review Board of the Village of Warwick was held on Tuesday, July 30, 2024, at 4:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairman Michael Bertolini and Vice Chairman Chris DeHaan. Review Board Members: Jane Glazman and Matthew LoPinto. Board Member Matthew Finn and Alternate Board member Glenn Rhein was absent. Also present was Secretary to the Planning Board, Kristin Bialosky. Other's present: Christopher Collins, Sam Levin, Patti Fitzkee, Larry Fitzkee, Jacqueline Bradner and Kyle Knapp.

Chairman Michael Bertolini called the meeting to order and led in the Pledge of Allegiance. The Planning Board Secretary held the roll call.

**Acceptance of Minutes**

A **MOTION** was made by Chris DeHaan, seconded by Matthew LoPinto, and carried for the Acceptance of Minutes: July 2, 2024.

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

Michael Bertolini Aye      Chris DeHaan Aye      Jane Glazman Aye

Matthew LoPinto Aye

**Discussion:**

Jacqueline Bradner and Kyle Knapp from 69 Colonial Ave. addressed the AHDRB regarding the below application they each read from their letter and presented photos. (Attached)

1. **67 Colonial Ave. – Applicants Larry and Patricia Fitzkee**

Seeking approval of Certificate of No Exterior Effect; Garage/Barn Colors; Siding

A. Color of Garage, Windows, Siding, Garage Door

Chairman Bertolini called the applicants Pat and Larry Fitzkee to present their colors and they presented samples of two different color ways. Presented was Gray siding, green roof, green windows and Mahogany garage doors and the second color way presented was Brown siding, bronze windows, green roof and mahogany garage doors. The Board all agreed with the gray siding, green roof, green windows and Mahogany garage doors. The alternate gray material, LP Smartside, was accepted if the applicant decides to use LP Smartside for the siding, instead of a natural wood with gray stain.

The Board Recommended the following: Design presented; Gray siding, Green Roof, Green windows and Mahogany garage doors; **APPROVED** (as presented and attached)

- The barn/garage will be painted in dark Gray, Cavern Steel
- The trim will be kept in a matching Gray but Fascia Trim in Forest Green
- The windows will be Forest Green Andersen 400 Series
- The barn doors will be Mahogany narrow beaded boards w/Messmer's UV Plus Natural Finish

## **Adjournment**

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Kristin Bialosky  
Secretary to Building, Planning, Zoning & AHDRB

Please follow the link to the YouTube video of the July 30, 2024, AHDRB meeting:

<https://www.youtube.com/watch?v=ovhTL1xmEA>

## **Adjournment**

July 30, 2024

My name is Jacqueline Bradner, I'm here today with my partner Kyle Knapp. Thank you for your time and we appreciate the opportunity to convey our concerns related to new construction at 67 Colonial Avenue.

Kyle and I are the current owners at 69 Colonial Avenue, as of April 2021. The Knapp family has been a part of the Warwick community for multiple generations and the Bradner lineage notably beyond four generations, specifically the family legacy at 69 Colonial Avenue extends back three generations to Dr Morris Renfrew Bradner Jr/ 'Bud' and his wife Mary Bradner, who purchased the property in 1963. So here we are 61 years later, in an uncomfortable and awkward situation for which we are seeking assistance in reconciling what this Board had eloquently referenced as 'an oversight' regarding the planning, permitting and implementation of our neighbors' new structure. We applaud this Board's humility in verbalizing this oversight publicly, however it's simply not a sufficient solution to attempt to camouflage the structure's exterior. Outlined below are three issues pertaining to the accessory structure at 67 Colonial Avenue within the Village of Warwick Historic District which support the claim that the permit issued was illegal and is therefore void. At this time, continued discussions nor the approval of an application pertaining to a certificate of no exterior effect should be rendered by the AHDRB until these issues are remedied.

1. NY Architectural and Historic District, Chapters 7-6 & 7-7, Regulation of alterations & Certificates of no exterior effect: Clearly outlined is the expectation regarding implementation and permitting.

A. It shall be unlawful for any owner or person occupying property located within the district, or any other person, to make, permit or maintain any alteration to any improvement located within the district unless the Board has previously issued a certificate of no exterior effect or a certificate of appropriateness.

B. No application shall be approved and no permit shall be granted by the Building Inspector, Planning Board, Zoning Board of Appeals or Board of Trustees regarding the alteration of any improvement located within the district unless a certificate of no exterior effect or of appropriateness has been obtained from the Board. When such an application is received by the Building Inspector, Planning Board, Zoning Board of Appeals or Board of Trustees, a copy shall be sent to the Board, accompanied by a request for a certificate of appropriateness in relation to the work specified in the application.

As noted in Chapter 7, a certificate is precisely defined as a condition precedent to any alteration relating to any improvement in property located within the district. To our understanding, permits issued to the owners of 67 Colonial Avenue are dated 2/21/2023 (#2023-0037) relating to demolition of an existing garage/ new build 2+ story garage and

4/24/2024 (#2024-0093) for extension of the prior permit. Both permits were issued illegally without a required certificate of no exterior effect and therefore, the permits are void.

2. Village of Warwick Zoning Law, Article IV, 145-42, Bulk Requirements:

A. Maximum height accessory structures for a residence: 35 feet

While we have not measured the structure height as built, the architectural plans submitted to the Village of Warwick Building Inspector for which a permit was issued reflect a total height exceeding 38 feet. The Building Inspector does not have the authority to issue a building permit for a 38 foot tall accessory structure without the applicant first obtaining a variance, rendering the issued permit illegal and void. Regardless of this Board's architectural review, the fact remains that an accessory structure in excess of 35' in height has been constructed without a variance. Before this Board renders a decision, the applicant should first attempt to obtain a variance from the Village Zoning Board of Appeals. It should be noted that the traditional criteria for obtaining a variance cannot be met and in all likelihood modifications to the structure will be required in order to bring the structure within the 35' building height limitation.

3. Village of Warwick Zoning Law, Article XII Conditional Use And Special Use Permit Conditions, 145-120.3 Home Occupations

A. A home occupation may only be conducted within a dwelling unit which is a bona fide and principal residence of the owner, lessee or other persons who occupy or reside in the dwelling, or in an accessory building thereto which has been approved for use as a home occupation and for which a Certificate of Occupancy has been issued by the Code Enforcement Office. The application for home occupation must bear the signed approval of the owner of the property. For purposes of this Chapter, a home occupation occurring fully within the dwelling shall be considered a Class 1 home occupation and is subject to the issuance of a Conditional Use permit by the Planning Board and Site Plan approval in accordance with § 145-90. Those home occupations occurring wholly or partially in an accessory building, or home occupations that exceed the thresholds identified in § 145-120.3.B. shall be considered Class 2 home occupations which may only be authorized by Site Plan Approval and a Conditional Use Permit in accordance with § 145-120.

We realize this third issue may be less conspicuous to the Board, however based upon prior discussions with the owners of 67 Colonial Avenue, we know the third floor space is intended to be used as an office. To our knowledge none of the above has been addressed; additionally, the structure contains non-permitted sewage and water lines that were placed Fall/ Winter 2023-2024 prior to foundation installation and structure framing. It is also our concern that this third level has the potential for an undisclosed living space. Furthermore, the architectural plans submitted to the Village of Warwick Building Inspector are clearly noted as a non-heated accessory structure so why the need for sewer and water?

The Village of Warwick ultimately established the Architectural and Historic District Review Board to safeguard and maintain the aesthetic integrity consistent with 19th century architecture within our district. The basic principles of protecting the health, safety, morals and general welfare of the community includes our historic property at 69 Colonial Avenue. Kyle and I are passive stakeholders pertaining to construction at 67 Colonial Avenue; we recognize the structure as excessively dissimilar in scale, proportion, character and incompatible with the immediate neighborhood, and it has subsequently set a new precedent. The gross negligence displayed by the active participants involved have left us mentally and emotionally violated. The illegally issued permits should be revoked and a new application for a building permit should be filed together with new architectural plans for a conforming (35') accessory structure. In the alternative, a Notice to Remedy Violation should be issued and the applicant can conform or apply to the Zoning Board of Appeals for a variance. But the AHDRB should not even be reviewing much less approving plans and a structure that violates the Village Zoning Code.

With respect to your review, in an effort to reduce the visual impact, the structure should be reconfigured and rebuilt to code then buffered with landscaping to shield its presence. Currently, all visual renderings presented are subjective and biased, without physical space for landscaping on the perimeter of 67/ 69 Colonial's property. Kyle and I feel that we should not be financially responsible for the landscaping required to adequately buffer the accessory structure from our property's view, however we are willing to offer our land if the neighboring owners contribute to the cost of remediating this issue.

Sincerely,

   
Jacqueline Bradner & Kyle Knapp















The Board all  
voted yes 7.30.24

Rough Sawn Eastern Pine Boards & Shingles - Benjamin Moore: Kendall Charcoal Woodluxe Solid Stain

Andersen 400 Series in Forest Green Exterior

Metal Sales PBR-Panel & Fascia Trim in Forest Green (26)

Douglas Fir or Salvaged Oak Beams with w/ Messmer's UV Plus Natural Finish

Mahogany narrow beaded boards w/ Messmer's UV Plus Natural Finish

Soffits - LP Smartside Soffit Panel in Cavern Steel

- Grey siding
- Green Roof

- Green Windows

FITZKEE - BARN - VERSION A - MATERIALS KEY

JUL. 22, 24

NOT TO ANY SPECIFIC SCALE

BASE  10

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