

**PLANNING BOARD
VILLAGE OF WARWICK
NOVEMBER 12, 2024
Minutes**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:30 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, November 12, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Board Members: Kerry Boland, Scot Brown, Bill Olsen, Bryan Barber and Alternate Vanessa Holland. Also, present was the Planning Board Secretary, Kristin Bialosky, Village Engineer Keith Woodruff, Planning Board Attorney Elizabeth Cassidy and John McGloin, Chris Collins, Patty Bossolina, Charlie Bossolina, John Peruso Sr., John Peruso, Randi Barlow and Robert Barlow. Absent was Chairperson Jesse Gallo.

Acting Chairperson, Bill Olsen called the meeting to order and led in the Pledge of Allegiance. The Planning Board Secretary, Kristin Bialosky held the roll call.

Designating Chairperson in Chairperson Jesse Gallo's absence

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland to designate the most senior member of the Planning Board, Bill Olsen, as acting Chairperson for the November 12, 2024, meeting.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Acceptance of Planning Board Minutes

A **MOTION** was made by Vanessa Holland, seconded by Scot Brown and carried for the Acceptance of Planning Board Minutes: October 8, 2024.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Applications

1. **19 Poplar Street – Barlow** - <https://villageofwarwick.org/19-poplar-street/>

Site Plan Approval – Public Hearing – Adding Rear Addition

Discussion

The owners Randi and Robert Barlow presented their rear addition. The attorney Elizabeth Cassidy confirmed with the Planning Board Secretary that proof of mailing and notices were received. Acting Chairperson, Bill Olsen asked Mr. and Mrs. Barlow if they would like to make any additional comments, and they did not. The engineer stated his comments were a carryover from the last meeting and Mr. Woodruff had no additional comments. Acting Chairperson, Bill Olsen asked to Open the Public Hearing.

19 Poplar Street – Open the Public Hearing

A **MOTION** was made by Scot Brown, seconded by Bryan Barber, and carried to open the public hearing for 19 Poplar Street.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Acting Chairperson Bill Olsen read the Public Hearing Notice.

VILLAGE OF WARWICK PLANNING BOARD NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on November 12, 2024 at 7:30 p.m. or as soon thereafter as possible on the site plan application of Randi and Robert Barlow to allow for the construction of a rear addition and porch to the existing single family-home located at 19 Poplar Street (SBL 206-1-38). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,

JESSE GALLO
CHAIRPERSON
DATED OCTOBER 10, 2024

Acting Chairperson Bill Olsen asked if the public had any comments on the application. No one came to speak and Board member Bryan Barber asked if any written comments were submitted and the Planning Board Secretary confirmed no written comments were submitted. Board member Scot Brown moved to close the Public Hearing.

19 Poplar Street – Close the Public Hearing

A **MOTION** was made by Scot Brown, seconded by Kerry Boland, and carried to close the public hearing for 19 Poplar Street.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

The Planning Board attorney advised the Board that the project has been classified as a Type II Action under SEQR, meaning no further environmental review is required. Ms. Cassidy noted a technical comment regarding the need for the application and site plan to be updated to reflect Use Group B, and she also identified and corrected a typo. It was further stated that the application appears to conform to the corrected setbacks. The attorney referenced the Planning Board Engineers memo and indicated that the comments should be incorporated into the final resolution. Ms. Cassidy, Esq. concluded by stating that if it is the Board's pleasure, they are in a position to take action on the application tonight, despite not having a prepared resolution. The discussion and any conditions set forth would be included in a written resolution for the chair's review. Mr. Woodruff explained that the property owners have addressed the first two concerns, in his memo, confirming that the addition will not impact water or sewer systems. It was noted that the existing portion along the front of the dwelling needs to be included in the setback measurements, with a dimension provided. Additionally, the bulk requirements need to be updated to reflect the setback to the porch. These issues are minor, which is why the Board was able to proceed with the public hearing following the last meeting. Mr. McGloin, the applicants Land surveyor, informed the board for informational purposes that the distance of the porch is 6.6 feet. This has already been updated and will be reflected on the plan. Additionally, the bulk table will be modified to include the 6.6-foot measurement, and the use group designation will be updated. These three items were identified as the technical comments requiring attention. Acting Chairperson, Bill Olsen asked if the Board had any additional comments or questions, and Board member Scot Brown commented that this was a very straightforward application. Ms. Cassidy, Esq. recommended to the Board her customary conditions. She recommended the usual and customary conditions, which include addressing the points in her memo, the payment of all fees, and any other standard conditions typically included in the resolution. She expressed her readiness to prepare the resolution if the Board is prepared to make a motion, particularly in light of there being no public comment. The Board was asked for a motion, and a motion was made by Bryan Barber, seconded by Scot Brown, with the stipulation that the conditions discussed between the attorney and engineer be incorporated, and the resolution prepared for the chair's signature.

19 Poplar Street – Approval to Draft Resolution

A **MOTION** was made by Bryan Barber seconded by Scot Brown and carried to approve the drafting of the Resolution.

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

Kerry Boland Aye Bryan Barber Aye

Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Randi Barlow asked, just in layman's terms, about how long until they received the signed resolution as their builder said they could get going once the building permits were issued before the winter sets in. Mrs. Barlow was just wondering if there's any sense about timing. Ms. Cassidy, Esq. explained about a week and a half. The applicant's thanked everyone.

2. 24 Wheeler Ave - Peruso - <https://villageofwarwick.org/24-wheeler-ave/>

Site Plan Approval – Conditional Use Permit – Adding ADU

Discussion

The applicant, John Peruso, presented his project, and Ms. Cassidy, Esq. highlighted several key points that require further attention and clarification. The property is situated within a limited office overlay district, and the applicant must confirm the distance to Route 94 and Route 17A to determine if General Municipal Law (GML) 239 applies. It appears that the tax lots are close to the threshold, and this needs confirmation. Accessory apartments are conditional uses and are subject to site plan review, which includes a public hearing. The Planning Board will require the applicant to send notices of the hearing to property owners within 300 feet by certified mail at least ten days before the hearing, and a public notice must be published at least five days in advance. Ms. Cassidy, Esq. pointed out a typo, noting that the notices should be sent to the property owners, not the applicant. Additionally, Ms. Cassidy, Esq. discussed comments from Planning Board Engineer, Mr. Woodruff, who noted that the application lists two record owners, meaning both must sign the application or provide proxies. The applicant is also asked to submit a written narrative describing the scope of the project, as the plans do not clearly specify the size of the proposed accessory apartment. The apartment must meet the zoning code requirements outlined in §145-120.4, and Ms. Cassidy, Esq. referenced specific provisions in her memo. Regarding SEQRA, the applicant submitted a Short Environmental Assessment Form dated September 10, 2024. Ms. Cassidy, Esq. emphasized that the applicant needs to address the "Yes" responses to questions 12B and 20 on the form, as well as any potential environmental impacts that might be indicated by the plan. The property is also a pre-existing, non-conforming site concerning setbacks. Ms. Cassidy, Esq. noted that the applicant should be referred to the Zoning Board of Appeals (ZBA) for a determination of non-conformity, especially given that the lot is smaller than the minimum required size. The tax records indicate that the existing house has 2,113 square feet, but with 930 square feet classified as a finished basement, which raises concerns about the minimum square footage requirement for the primary residence. For an accessory apartment, the primary residence must remain at least 1,000 square feet on the first

floor, not including basements. Ms. Cassidy, Esq. explained that, according to the tax records, the math doesn't work, as the primary residence would fall below the required 1,000 square feet if the apartment were added. The applicant must either demonstrate that the basement is not included in the square footage or seek an interpretation from the building inspector. Moreover, the proposed parking in the front yard violates zoning requirements for setbacks, and the applicant will need to address this, potentially requiring a variance. Ms. Cassidy, Esq. also addressed the parking spaces, noting that the garage can count as one parking space, so the applicant only needs to prove that two other spaces are available. However, if a new parking space is added in the front yard, this will trigger a need for variance approval for development coverage and potentially other zoning issues. Lastly, Ms. Cassidy, Esq. noted that the applicant's house appears to be on a slab, not a basement, contrary to the tax records. This requires clarification by the building inspector. The ZBA's decision will likely hinge on several factors, including parking and non-conformities, but Ms. Cassidy, Esq. emphasized that the applicant should go to the ZBA to request interpretations and variances. Following that, the applicant can return to the Planning Board for further action. In response to the applicant's concerns about future changes to the use, Ms. Cassidy, Esq. explained that if the applicant decides to convert the accessory apartment to a two-family dwelling, they would need to submit a new application or amend the existing one. This change would involve different zoning requirements, including bulk tables and use classifications. Given all the potential issues, Ms. Cassidy, Esq. recommended referring the applicant to the ZBA for the necessary variances and interpretations. The ZBA can address whether the parking space requirements and the size of the existing structure comply with zoning codes. The applicant should also submit updated plans showing precise square footage of the existing structure and the accessory apartment. This process ensures that all issues are addressed before the application moves forward.

24 Wheeler Ave – Send current application to the ZBA for area variance and area type for requested ADU

A **MOTION** was made by Kerry Boland seconded by Scot Brown and carried to approve the current application to the ZBA for area variances.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

3. **19 Welling Place - Bossolina** - <https://villageofwarwick.org/19-welling-place/>

Site Plan Approval – Conditional Use Permit - 2 Businesses 1st Floor & 3 Apartments 2nd Floor

Discussion:

The Architect, Chris Collins from Base 10 Architect Firm explained he is working with Patty and Charlie Bossolina on a project for their property at 19 Welling Place. It was explained that the building has been in their family for years and was recently purchased by Charlie and Patty, who are committed to revitalizing the property and restoring it to a functional and visually appealing state. The Planning Board attorney disclosed that Chris Collins is her architect and that the previous owner of the building is her next-door neighbor. Their renovation plans include converting the first floor into two professional office spaces and the second floor into three residential apartments. This design reflects a thoughtful approach to providing both commercial and residential utility while preserving the character of the historic district. Each apartment will measure approximately 800 square feet, featuring two bedrooms, making them ideal for small families or working professionals. The first-floor offices are intended to meet the needs of local businesses seeking a central and accessible location. The project has been presented twice to the AHDRB and has received design approval. The proposed renovations have been carefully crafted to align with the surrounding streetscape and the building's historic character. This approval underscores the care taken to create a design that integrates seamlessly with the area while breathing new life into a structure that has long needed repair and modernization. While the footprint of the building will remain unchanged, the renovation involves altering the second-floor roofline to maximize interior space, which will provide more functional living quarters for the apartments. One of the challenges associated with the project is the lack of on-site parking. The applicants have addressed this by relying on municipal parking lots located within 300 feet of the property and by renting three additional spaces from the village. This solution aligns with village ordinances, which permit such arrangements in cases where on-site parking is unavailable. Despite this, parking remains a key factor for consideration during the planning and approval stages. The project also raises a potential issue regarding floor area ratio compliance. Although the building's external footprint will not change, the renovations involve reconfiguring internal spaces. The attic, currently accessible, will be converted into a mechanical area that is non-accessible, thereby reducing usable floor space. However, the specific definition of floor area within the village code is somewhat unclear, and this ambiguity requires interpretation by the Building Inspector, Boris. His determination will establish whether the FAR is compliant or if the project will need a variance from the Zoning Board of Appeals (ZBA). If a variance is required, the applicants are prepared to present their case, and, if necessary, they may adjust the design to eliminate the need for a variance altogether. In addition to addressing zoning considerations, the project requires adherence to several other code requirements. A new sprinkler system will be installed to ensure compliance with fire safety standards, and detailed plans will outline the necessary updates to the building's water service connections. Other site improvements include the incorporation of roof leader discharge locations to manage water runoff and the use of darker-colored fencing to better match the surrounding environment. These updates reflect a commitment to improving the building's functionality while maintaining its aesthetic compatibility with the neighborhood. The public hearing process is a critical aspect of the project's progression, offering an opportunity for community input and thorough review by the Planning Board. Depending on the Building Inspector's determination regarding the FAR, concurrent hearings may be held with the Planning Board and the ZBA to streamline the approval process. The applicants and their team are committed to submitting all required materials, responding to any comments or concerns raised by the boards, and providing public notifications within the mandated timeframes. By addressing these considerations thoughtfully

and proactively, The Bossolina's aim to ensure the project not only complies with village regulations but also enhances the property's value and benefits the community. Ultimately, two motions are proposed and passed: the first to schedule the public hearing for December 10, conditional upon receipt of the revised materials and Boris's interpretation by November 19; the second to formally refer the floor area issue to the ZBA if necessary. These steps reflect a coordinated effort to advance the project efficiently while ensuring compliance with all procedural requirements.

19 Welling Place – Schedule a Public Hearing for December 10, 2024 conditional on the submission of revised materials including the Building Inspectors Interpretation by November 19, 2024

A **MOTION** was made by Bill Olsen seconded by Bryan Barber and carried to approve the December 10, 2024, Public Hearing conditional on the submission of revised materials including the Building Inspectors Interpretation by November 19, 2024.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

19 Welling Place – Formal referral to ZBA for floor area ratio if necessary

A **MOTION** was made by Scot Brown seconded by Kerry Boland and carried to approve the formal referral to the ZBA for floor area ratio if necessary.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Adjournment

A **MOTION** was made by Bryan Barber, seconded by Scot Brown, and carried to adjourn the regular meeting at approximately 9:30 p.m.

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

Kerry Boland Aye Bryan Barber Aye
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Kristin Bialosky, Secretary to the Planning Board

Planning Board Meeting; November 12, 2024: <https://www.youtube.com/live/UUfd49EdGeA>