

Application of Giuseppe & Denise Pagano

Property: 292 North Midland Avenue (Sheet 60.77, Block 1, Lot 6) and TFR-Zone

RECEIVED

VILLAGE OF NYACK

MAR 03 2025

VILLAGE CLERK'S OFFICE

RESOLUTION

VILLAGE OF NYACK PLANNING BOARD

Adopted January 6, 2025

RE: Application of Giuseppe & Denise Pagano
Property: 292 North Midland Avenue and TFR-Zone

VILLAGE OF NYACK
BUILDING
MAR 03 2025
DEPARTMENT
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Resolution of Preliminary and Final Minor Subdivision for Two Lots and Approval
for Demolition of an Existing Residence on Proposed Lot 2

Background

After due discussion and deliberation, on motion by Jennifer Knarich, seconded by Catherine Friesen and carried, the following preliminary and final minor subdivision plat and site plan approval for demolition of an existing residence on Proposed Lot 2 was adopted:

1. The Applicant, Giuseppe & Denise Pagano, requested minor subdivision approval for the subdivision of an 11,812-sf property located on the west side of North Midland Avenue, approximately 250' north from the intersection of North Midland Avenue and Sixth Avenue. This is an application for a minor, two lot subdivision of subject property at 292 N Midland Avenue, in the Two Family Residential (TFR) zone. Applicant proposes to subdivide this oversized parcel into equally sized lots of 5,906-sf each. He proposes to construct a single-family residence on each lot in keeping with the character of the surrounding neighborhood. The proposed Lot 1 is vacant; the proposed Lot 2 has an existing 1 ½ brick dwelling. The Project will entail demolition of the existing home on Lot 2 and removal of three large pine trees in the front of the proposed Lot 2 to allow for the construction of the new single-family home. The demolition will require a demolition permit to be reviewed and issued by the Building Department. The Applicant will need an area variance from the minimum lot width requirement for both proposed lots (47.25' vs. 50'). The Applicant provided a tax map showing that multiple nearby existing properties (10 lots) do not meet the 50 ft. minimum lot width requirement.

2. The Planning Board on January 3, 2022 determined that the proposed action was an Unlisted action under SEQRA. The Planning Board staff circulated the Notice of Intent (NOI) for the Board to be Lead Agency. The NOI was sent to the ZBA since an area variance was required and to the Rockland County Planning Department and other involved agencies. The Planning Board assumed lead agency status at its meeting on 11/4/24. The Planning Board received the GML review from Rockland County Planning on 9/24/24 and a revised GML on 11/15/24. The OPRHP provided a letter (SHPO review) indicating that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places would be impacted by this project. The Planning Board at its 11/4/24 meeting requested that the Village Planner develop a draft Neg Dec for the Planning Board's consideration at its December meeting.

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3. The Planning Board opened a duly noticed public hearing on September 9, 2024 and continued the public hearing on November 4, 2024, December 2, 2024, and January 6, 2024, at which time all those wishing to be heard were given the opportunity to be heard. The verbal comments made at the meetings have been made part of the record for this application and have been considered by the Planning Board.

4. The Planning Board has carefully examined the Application, the Applicant's *Project Narrative* dated 8/15/24, the Land Surveyor Plans for the *Subdivision of Property for Pagano-Midland* dated 4/8/24 and revised 10/15/24 and the *Grading/Drainage/Utility Plans w/Erosion Control, Site Plan for Lot 1 and Site Plan for Lot 2* and Yost Design Landscape's *Planting Plan* (L-701) dated 9/13/24, reviewed the Notes on the Subdivision Plan for the Pagano – Midland Property, the tree protection and planting schedule for the proposed subdivision. The Planning Board verified the Preliminary Subdivision Plan's compliance with the required information to be submitted per §360-5.8C. The Planning Board reviewed the Village Engineer's review dated 10/10/24 and revised review dated 10/24/24 and the *Plan Review Summaries* from the Building Inspector and comments and recommendations in *Notes* from the Village Planner dated September 9, 2024, November 4, 2024, December 2, 2024 and January 6, 2025, which the Planning Board has considered.

5. The Planning Board has found that it was in possession of all documentation reasonably necessary to determine the environmental impact of the application. The Planning Board reviewed information provided by public comment and review of Applicant's plans as listed above and then reviewed the Parts 1, 2 and 3 of the SEAF, the GML material received from Rockland County Planning and the Village Planner's draft Neg Dec. The Planning Board on 12/2/25 adopted a Negative Declaration under SEQRA, determining that there were no adverse environmental impacts with the proposed action that could not be mitigated.

6. The Planning Board after having considered the Waterfront Assessment Form dated November 11, 2024 with review by the Village Planner determined on January 6, 2025 that the minor subdivision is consistent with the policies of the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 342 of the Village Code

7. The Planning Board closed their public hearing on January 6, 2025. After closing the public hearing on the preliminary and final subdivision plat, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for minor preliminary and final subdivision approval and special permit approval (for the merger of two lots) is granted subject to the conditions set forth below.

I. **Findings**

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The Planning Board is familiar with the Property and all aspects of the proposed action and has considered the standards set forth in Village of Nyack Zoning Code ("Zoning Code") Chapter 360, 5.8 (*Subdivision of Land*) and finds that subject to the conditions set forth below, the proposed preliminary and final subdivision plats are in substantial agreement and are consistent with the subdivision standards of the Village Code for the two adjacent lots as reflected in the subdivision plat is in harmony with the Village Code and will not adversely affect the surrounding neighborhood or the community at large.

The Planning Board has reviewed the Applicant's preliminary and final subdivision for a minor two lot subdivision at 292 North Midland Avenue. The total property to be subdivided into two lots consists of 11,812 sf. with 97.4' of frontage on North Midland Avenue. The subject property is in the TFR-zone. The subject property is located on the west side of North Midland Avenue, approximately 250' north from the intersection of North Midland Avenue and Sixth Avenue. Even though the property is zoned for two-family dwellings, the Applicant proposes to construct a single-family residence on each lot. The applicant's application is for approval of a two-lot minor subdivision. After receiving approval for the subdivision, the applicant proposes to develop more detailed site plans for the two single-family residences.

The Applicant will then apply for site plan approval to the Planning Board for the new residences. At that time, he will complete the architectural drawings for the two residences and complete the site plans for both lots. The bulk zoning table will be finalized with the application. The plans address existing trees, tree protection for the remaining trees, and a planting schedule for the proposed subdivision. There will be three pines trees removed in front of Lot 2 to accommodate the construction of the new single-family residence. The macadam berm curb along the property's frontage shall be modified and replaced as needed along the property frontage shall be installed in accordance with the Village specifications. A drainage narrative and drainage calculations have been submitted and is acceptable. Percolation test shall be performed to verify any design assumptions made in sizing the seepage pit systems. The limit of disturbance has been noted as 9,500 SF, thus a SWPPP is not required. The width of the driveways has been noted as 12 feet wide. A detail of the driveway pavement section has been added to the plan. An Erosion Control Plan and details have been provided. All erosion control measures shall be installed prior to any disturbance taking place and maintained throughout construction until all disturbed areas are stabilized. The Village Engineer has reviewed these measures for the building department. The existing impervious surface on Lot 1 is 1,290-sf with 2,005-sf proposed. The applicant has indicated that the plans will mitigate 715-sf of the proposed impervious surface. Lot 2 has 1,504 sf of existing impervious surface. This will increase to 2,003-sf with 500-sf being mitigated. Drywells are designed to capture runoff from the roof drains to accommodate these mitigation measures. All drainage and utilities will be underground. The planting plans show *Nyssa Sylvatica* which are tupelo trees native to New York. Their size at planting is 2.5 caliper. The trees can grow to 60' along the street. A more detailed planting plan with groundcover and shrubbery and replacement trees will be developed during the site planning phase of the project.

II. Approved Plans:

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The following “*Subdivision of Property For Pagano- Midland*” dated 4/8/24, last revised 10/15/24 and “*Grading/Drainage/Utility Plan with Erosion Control, Pagano-Midland*” dated 4/8/24 and *Site Plan - Lot 1* and *Site Plan – Lot 2* dated 10/15/24 prepared by Jay A. Greenwell, PLS, LLC Surveying, Land Planning and Planting Plan (L-701) prepared by Yost Design Landscape Architecture dated 9/13/24 *unless otherwise noted* are part of the approved plans:

Subdivision Plats

“*Subdivision of Property for Pagano- Midland, Village of Nyack, Town of Orangetown, Rockland County, State of New York*”

“ *Grading/Drainage/Utility Plan with Erosion Control, Pagano, Village of Nyack, Town of Orangetown, Rockland County, State of New York*”

“*Site Plan for Lot 1 w/Erosion Control and Site Plan for Lot 2 w/Erosion Control*”

(the “Approved Plans”)

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Subdivision of the Property of Pagano - Midland revised 10/15/24 submitted by Giuseppe & Denise Pagano for the minor subdivision for two lots for property located at 292 North Midland Avenue is approved. The Final Subdivision Plat is in substantial agreement with the Preliminary Subdivision Plat and is likewise approved. The requested demolition of the existing residence on Lot 2 is also granted, subject to the following conditions:

- (a) The Applicant shall obtain all required state, county and local permits and approvals.
- (b) The Applicant shall pay all outstanding consultant review fees and Building Department fees in connection with this application prior to the signing of the *Final Subdivision Plat* by the Chairperson of the Planning Board.
- (c) Prior to the issuance of a demolition permit for the existing residence on Proposed Lot 2, Applicant shall provide a demolition plan to the Building Department for review and approval by the Village Engineer and Building Inspector.
- (d) The Applicant shall make an application to the Rockland County Department of Health for review of the storm water management system to ensure compliance with the County Mosquito Code.
- (e) In accordance with the Rockland County Stream Control Act, the *Final Subdivision Plat* shall be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the plat is filed in the office of the Rockland County Clerk. .

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- (f) The Applicant shall present the approved *Final Subdivision Plat* to the Planning Board Secretary in a form provided by §360-5.8 (D) (3) (a) of the Nyack Village Code for the signing of the approved plat by the Chairman of the Planning Board.
- (g) Immediately upon recording of the *Final Subdivision Plat* in the office of the Rockland County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.
- (h) The macadam berm curb along the front of the property shall be modified and replaced as needed along the property frontage shall be installed in accordance with the Village specifications.
- (i) Percolation test shall be performed to verify any design assumptions made in sizing the seepage pit systems. The building department shall be contacted to witness the same. Written results of the percolation tests shall be submitted.

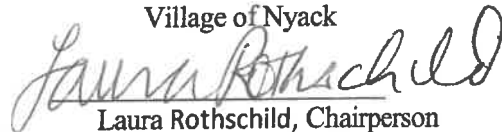
VOTE:

Ayes:

Nays:

PLANNING BOARD

Village of Nyack



Laura Rothschild, Chairperson

Date: January 6, 2025