

Application of Giuseppe & Denise Pagano

Property: 292 North Midland Avenue (Sheet 60.77, Block 1, Lot 6.2) and TFR-Zone

RESOLUTION

VILLAGE OF NYACK PLANNING BOARD

Adopted September 8, 2025

RE: Application of Giuseppe & Denise Pagano

Property: 292 North Midland Avenue (Sheet 60.77, Block 1, and Lot 6.2) in TFR-Zone

Resolution of Site Plan Approval for Single-Family Residence on Proposed Lot 6.2

Background

After due discussion and deliberation, on motion by Catherine Frisen, seconded by Jennifer Knarich and carried, the following site plan approval for the construction of a single-family residence at 292 North Midland Avenue on Proposed Lot 6.2 was adopted:

1. The Applicant, Giuseppe & Denise Pagano, requested site plan approval for the construction of a single-family residence in the TFR zone as part of a subdivision approved by the Planning Board on January 6, 2025. Lot 6.2 is a 5,905-sf property which has an existing single-family residence on the property, and located on the west side of North Midland Avenue, approximately 500' from the intersection of North Midland Avenue and Sixth Avenue. The Planning Board approval of the submitted subdivision included the demolition of the existing residence and the construction of a new single-family residence on the property. The Applicant received an area variance from the minimum lot width requirement (47.25' vs. 50') from the Zoning Board of Appeals. All other bulk table zoning requirements have been met for the new construction. The *Final Subdivision Plat* was signed by the Chair of the Planning Board and recorded in the Office of the Rockland County Clerk with written evidence of such recording submitted to the Nyack Building Department.

2. The Planning Board on September 8, 2025 determined that the proposed action was a Type II action under SEQRA based on 617.5(c)(11) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections*"

3. The Planning Board opened a duly noticed public hearing on September 8, 2025 and closed the public hearing on September 8, 2025, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application, the Applicant's *Project Narrative* dated 7/25/25, the Land Surveyor, Jay Greenwell PLS, *Site Plan for Lot 2 with Erosion Control, including area of disturbance, the re-grading, the existing and proposed impervious surface and the amount of stormwater mitigation required for the property, the set of Plans including the elevations* prepared by the Architect, Kier B. Levesque, R.A., the *Landscape Planting Plan* prepared by Yost Design Landscape Architecture, the Bulk Table prepared by Jay

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Greenwell PLS, and photographs of the site and adjacent neighboring properties to the north and south of the site. The Planning Board also reviewed the Notes on the Subdivision Plan for the Pagano – Midland Property. The Planning Board reviewed the Village Engineer’s review dated 10/10/24 and a revised review dated 10/24/24 and comments and recommendations in *Notes* from the Village Planner dated September 8, 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 GML letter from Rockland County Planning dated August 25, 2025 which determined that the application was a matter for local determination and had no further comments. The Planning Board also reviewed the information provided by the Applicant’s architect and surveyor as well as the Chief Building Inspector and Village Planner. The Planning Board also reviewed the stormwater controls for impervious surface mitigation and determined that there were no adverse environmental impacts that could not be mitigated.

7. The Planning Board closed their public hearing on September 8, 2025. After closing the public hearing on the site plan application for Lot 6.1, 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

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, 5.7 (*Site Development*) and finds that subject to the conditions set forth below, the proposed site plan for the single-family residence is in substantial agreement with the approved subdivision plan and is consistent with the development of the surrounding neighborhood and community at large.

The Planning Board has reviewed the Applicant’s proposed site plan for the new construction of the single-family residence on the property. The site plan shows the new home location, the lot improvements, re-grading and stormwater controls for impervious surface mitigation. The western part of the lot beginning at the stone covered slope and heading west to the lot line will remain untouched and unchanged.

A drainage narrative and drainage calculations have been submitted and is acceptable. A 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 4,253-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

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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 6.2 is 1,504-sf with 2,003-sf proposed. The applicant has indicated that the plans will mitigate 500-sf of the proposed impervious surface. The proposed stormwater controls have been designed to mitigate the calculated 500-sf for the property. Drywells are designed to capture runoff from the roof drains to accommodate these mitigation measures.

The residence will be a two-story structure with a height of 26' which is within the allowable zoning requirements. The planting plans show *Nyssa Sylvatica* (Sour Gum) 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. The planting plan includes approximately 20 boxwood (*Winter Gem*), and Nikko shrubs and grass ground cover on the side and in front of the 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. All drainage and utilities will be underground.

II. Approved Plans:

The following set of Architectural Plans including elevations "*Pagano Lot 2, North Midland Ave., Nyack, NY 10960*" have been prepared by Kier B. Levesque, R.A. dated April 15, 2025 and last revised June 3, 2025; and *Site Plan for Lot 2* dated 10/15/24 and revised 5/27/25 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:

Architectural Plans

- A-1 "Foundation & Basement"
- A-2 "First & Second Floor Plan"
- A-3 "Elevations"
- A-4 "Elevations"

Planting Plan

- L-701 "Planting Plan"

Site Plan

"*Site Plan for Lot 2 with Erosion Control*"

(the "Approved Plans")

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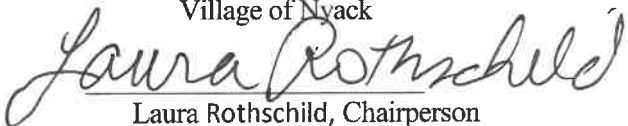
NOW, THEREFORE, BE IT RESOLVED that the Site Plan for a Single-Family Residence at 292 North Midland Avenue on Proposed Lot 6.2 submitted by Giuseppe & Denise Pagano is approved subject to the following conditions:

- (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) 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.
- (d) 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.
- (e) 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: September 8, 2025