

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

August 25, 2025

Nyack Planning Board  
9 North Broadway  
Nyack, NY 10960

**Tax Data:** 60.77-1-6.1



**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 05/27/2025

**Date Review Received:** 08/08/2025

**Item:** *Cimini-Pagano - 294 North Midland Avenue (GML-25-0442)*

Site plan application to allow the construction of a single-family dwelling on a 0.14-acre lot in the TFR zoning district. The subject site was recently subdivided, and the existing single-family residence will be demolished. A lot width variance was granted for both lots.

West side of North Midland Avenue, approximately 390 feet south of Highmount Avenue

**Reason for Referral:**

N Highland Av (US Route 9W), Village of Upper Nyack

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***Remand for Local Decision***

The proposed action is deemed to have no significant county-wide or inter-community impact under New York State General Municipal Law § 239; therefore, the action is a local decision.



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Douglas J. Schuetz  
Acting Commissioner of Planning

**Cimini-Pagano - 294 North Midland Avenue (GML-25-0442)**

cc: Mayor Joseph Rand, Nyack  
NYS Department of Transportation  
Rockland County Department of Health  
Rockland County Planning Board  
Village of Upper Nyack Planning Board  
Jay A. Greenwell, PLS, LLC  
Kier B. Levesque, R.A.

\*The review undertaken by the County of Rockland Department of Planning is pursuant to and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B, the County of Rockland does not render opinions nor determine whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of final action it has taken with the County of Rockland Department of Planning within thirty (30) days after final action.