

**DEPARTMENT OF PLANNING**

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

**Arlene R. Miller**  
*Deputy Commissioner*

September 22, 2016

Kaser Planning Board  
P.O. Box 391  
Monsey, NY 10952

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:**

**Date Review Received:** 8/19/2016

**Item: VILLAGE OF KASER/TEMPORARY MODULAR UNITS (K-57)**

Local Law amending the Zoning Law with respect to the schools in the R-2, R-3 and PD zoning districts. Temporary Modular Units are proposed to be permitted on school sites.

Throughout the R-2, R-3 and PD zoning districts in the Village of Kaser

**Reason for Referral:**

NYS Route 306, Town of Ramapo, Village of Spring Valley

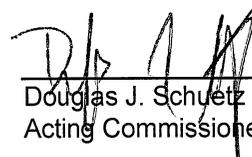
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 The Local Law must specify that the temporary modular units are accessory uses for schools only. In addition to adding this use to the Definitions (Section 201), it must be listed in Article IV. Section 402 (R-2 District), Section 403 (PD District) and 403-1 (R-3 District) shall all include temporary modular units as an accessory use to schools of general or religious instruction, which are designated as a special permit use in the Zoning Law. As an accessory use to a special permit use, temporary modular units must also comply with the standards outlined in Article X.
- 2 Section 3 of the Local Law proposes to add a new Section 705 "Temporary Modular Units" to Article VII "Supplementary Regulations." Section 705 already exists. It was added to the Zoning Local Law in 2013. The reference to Section 705 must be changed to Section 706.
- 3 Proposed Section 706.E. indicates a 24-month permit period for temporary modular units. We do not consider two years to be a temporary time frame based on the zoning codes of other municipalities within Rockland County. We recommend that this time-frame be reduced to 12 months with a six month extension upon good cause shown.

**VILLAGE OF KASER/TEMPORARY MODULAR UNITS (K-57)**

- 4 If this local law is adopted, the required special permit, site plan and ZBA applications are subject to a review by this department as mandated under NYS General Municipal Law.
- 5 All proposed temporary modular units must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 All proposed temporary modular units shall be subject to a review by the County of Rockland Office of Fire and Emergency Services, the Village fire inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser  
New York State Department of Transportation  
New York State Department of State,  
Division of Code Enforcement & Administration  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
Town of Ramapo, Village of Spring Valley

Binyomin Mermelstein

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department 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 does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if 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.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*