



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 6, 2017

Kaser Village 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: 12/27/2016

Item: *VILLAGE OF KASER/ NYS UNIFORM FIRE PREVENTION & BUILDING CODE (K-60)*

Zoning Code Amendment to revise various sections of the Village's Zoning Law concerning the applicability of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

Reason for Referral:

N/A

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 On Page 5, Section 16 is to amend Article XIII 1300. Enforcement Officials; "Powers and duties of Building Inspector" by adding a new paragraph "L." The Record Keeping paragraph is incorrectly labeled "J." This must be corrected.

VILLAGE OF KASER/ NYS UNIFORM FIRE PREVENTION & BUILDING CODE (K-60)

2 While the proposed revisions closely follow the Zoning Code Amendment recently adopted by the Town of Ramapo, there are numerous typographical and grammatical errors throughout the document, as well as missing words. These include:

- Page 1, Section 1 - Change "need" to "needs." Uniform must be capitalized.
- Page 1, Section 4, 2. d) - The word "or" is missing between "all" and "part."
- Page 2, Section 5 - The third line is missing "and site plans," after plot plans. "Requires" must be changed to "required." In the fifth line, "incorporate" must be changed to "incorporated." In the sixth line, "be" must be changed to "by." Education Law must be capitalized in the tenth line.
- Page 2, Section 7 - In the second line, "violate" must be changed to "violates." The word "all" is misspelled in the fourth line.
- Page 2, Section 8, B. - The first sentence is missing "may be issued" after the word "use." In the seventh line, "affect" shall be changed to "effect."
- Page 3, Section 11, 1) e) - The word "as" is missing after "public safety."
- Page 4, Section 14, J. - The word "or" is missing after "Code," in the fourth line.
- Page 5, Section 16, 1. a) - "Application" shall be changed to "applications."
- Page 6, Section 16, 1. c) - "Certificate" shall be changed to "certificates."

These errors must be corrected.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Binyomin Mermelstein, Village Clerk

**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.