

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 29, 2016

Wesley Hills Village Board
432 Route 306
Wesley Hills, NY 10952

Tax Data:

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

Map Date:

Date Review Received: 4/8/2016

Item: *VILLAGE OF WESLEY HILLS/FIRE PREVENTION CODE (Whi-138)*

Proposed local law to establish a Fire Prevention Code for the Village of Wesley Hills. The intent is to provide requirements for the safeguarding of life and property from the hazards of fire and explosion, arising from conditions hazardous to life or property in the use of or occupancy of buildings. Throughout the Village of Wesley Hills

Reason for Referral:

State and County roads and parks, County streams and facilities, Town of Ramapo, Villages of Pomona, New Hempstead and Montebello

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***

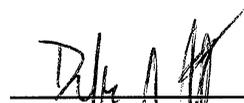
We support the Village's decision to supplement and expand upon the requirements of the New York State Fire Prevention and Building Code, or successor standards adopted by New York State by adopting its own Fire Prevention Code.

We offer the following recommendations.

- 1 A review of the proposed local law shall be completed by the New York State Department of State, Division of Code Enforcement and Administration, and their comments, if any, considered.
- 2 A review of the proposed local law shall be completed by the Hillcrest, Monsey and Tallman Fire Districts, and their comments, if any, considered.
- 3 A review of the proposed local law shall be completed by the Rockland County Office of Fire and Emergency Services, and their comments, if any, considered.

VILLAGE OF WESLEY HILLS/FIRE PREVENTION CODE (Whi-138)

- 4 The Section number references are missing on Page 3 under "Issuance of appearance tickets" and Page 4 under B. of "Penalties for offenses." This information must be provided in the final version of the local law.
- 5 Table I, referenced on Page 4 under B. of "Determination of necessary equipment," is not included in the document. This information must be provided in the final version of the local law.
- 6 The extra period before "A FALSE ALARM" on Page 5 under C. of "Maintenance of equipment" shall be eliminated.
- 7 It is unclear why "assembly spaces used expressly for religious purposes" are exempted from the automatic fire sprinkler system requirement outlined on Page 10. This must be clarified.
- 8 A comma is missing on page 13, in the last sentence under F. of "Fire Detection Systems."



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
New York State Department of State,
Division of Code Enforcement & Administration
New York State Department of Transportation
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Hillcrest Fire District
Monsey Fire District
Tallman Fire District

Town of Ramapo
Villages of Pomona, New Hempstead and Montebello

Camille Guido-Downey, 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.