



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

C. SCOTT VANDERHOEF
County Executive

June 5, 2013

ARLENE R. MILLER
Deputy Commissioner

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data: 65.06-1-2

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

Map Date:

Date Review Received: 5/15/2013

Item: *FAIR PRODUCTION II, INC. (C-1335EEE)*

Permit to allow a fair to be located in the commuter parking lot (Lot J) of the Palisades Center Mall from July 3 through July 14, 2013 on 34.45 acres in the MRS zoning district.

West side of NYS Route 303, south side of the New York State Thruway, north side of NYS Route 59

Reason for Referral:

NYS Route 303 & 59, New York State Thruway, Hackensack River

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***

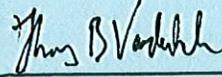
1 The applicant shall adhere to the following: the permanent passenger facility shall be operational at all times during the fair and shall be kept free and clear in order for the operator and commuters to access the facility; the permanent facility shall be for commuter use only; the fair shall provide cones and fencing for the duration of the event and they shall provide traffic guards prior, during and after any posted show time; Lot J must be cleared of all snow plow equipment, dump trucks, office trailers, dumpsters, etc.; all semi-trailers currently parked in the lot must be removed prior to the fair, and no additional trailers permitted to park in Lot J during the event; the fair must monitor the capacity of parking at Lot J to determine if overflow parking accommodations are needed, and if so, direct the fair patrons to the western portion of the Home Depot parking lot; provide a small temporary canopy shelter, to be used as an alternate bus stop shelter, for the commuters in the southeastern portion of the lot in the event there is the need to use the Home Depot lot for overflow parking; and ensure that the trailers used to haul the fair equipment don't block the bus travel lane, as they are unloading/loading the equipment.

2 The moveable handicapped parking signs must be relocated to the parking spaces closest to the shelter. The site layout plan must also identify where these parking spaces will be located.

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- 3 The applicant must provide a flyer and map, both 11 x 17 and in a pdf format, to the Department of Public Transportation that contains information about the upcoming fair. These materials must be given to the Department at least one week in advance of the event so the Department can alert commuters of the parking changes.
- 4 The permanent passenger structure shall not be used as an anchor for any tent or temporary structure and nothing shall be adhered to the permanent structure. No portion of the permanent structure shall be used as a host to any part of the fair.
- 5 A review shall be completed by the Rockland County Office of Fire and Emergency Services in regards to the proposed emergency evacuation plan and any concerns addressed.
- 6 Animal and human waste shall be properly handled on the site and transported off of the site for disposal.
- 7 A review shall be completed by the Rockland County Department of Health as to the adequacy of the proposed sanitary facilities, the disposal of human sewage and animal waste, and the availability of drinking water. Any necessary permits shall be obtained.
- 8 The applicant shall repair all damage to the parking facility, including but not limited to, the permanent structure, displaced signage, and any damaged pavement.
- 9 As stated in the Clarkstown Code, the site shall be cleared of all debris and rubble within 72 hours after the closing of the fair.
- 10 The use of the site shall comply with the performance standards for odor, noise and hours of operation so as not to disturb the surrounding uses.
- 11 Any fine and/or violation determined by the County of Rockland Department of Health during or after the event may preclude any event from occurring at the site in the future.
- 12 In advertisements for the Rockland County performances of the fair, please include references to public transportation options for reaching the Palisades Center Mall. The message should direct customers to call the Rockland Transit Information Center at (845) 364-3333 or go to www.rocklandgov.com and click on the bus. A link from the applicant's website to the transit information portion of the Rockland County website would also help to reduce the number of cars and might increase attendance. That link should be as follows:
<http://www.co.rockland.ny.us/PublicTrans>
- 13 Dates and times of performances must be provided. It is recommended that show times do not start or end during PM peak commuter travel times (5-7 PM).
- 14 Personnel must be provided to help pedestrians cross the ring road if the Home Depot parking lot is needed for overflow parking. The crossing staff must be present one hour before and after the performances for traffic control.
- 15 A pedestrian walkway must be designated through Lot J for safe access to the bus stop and fair for the commuters and patrons.
- 16 An operations contact person for the fair (and their contact information) must be provided to the Rockland County Department of Public Transportation. This person must be on site in the event that any issues arise, so that the bus operators or the Rockland County Department of Public Transportation can contact someone immediately to resolve any issues.

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Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Department of Public Transportation
Rockland County Office of Fire and Emergency Services
Palisades Mall - Manager

Brian Schuman
Attention Pat McDonald, Town Attorney's Office
Justin Sweet, Town Clerk
Clarkstown Planning Board, Attention Joe Simoes

**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.