

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 14, 2016

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: 5/18/2016

Item: *FAIR PRODUCTIONS (C-1335JJJ)*

Permit to allow a fair to be located in the commuter parking lot (Lot J) of the Palisades Center Mall from June 24 through July 10, 2016 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 Routes 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 During past years, tractor trailers that delivered Fair components were parked in the designated "commuter" portion of the divided lot, taking up valuable commuter parking spaces and/or blocking the bus travel lane. Campers and other vehicles belonging to early-arriving Fair workers have also been problematic. Preserving commuter parking is especially critical as the number of commuters using the Commuter Lot (Lot J) has increased and more parking is now needed. Therefore, at any time prior to, during, or following the Fair event, the tractor trailers and other Fair-related vehicles, including worker vehicles, must be parked in the designated "Fair" area only (or other location outside the lot) to ensure they do not block the bus travel lane or commuter parking spaces in the Commuter Lot (Lot J). The Rockland County Department of Public Transportation has been informed that staging for the Fair will not begin prior to the evening of Sunday, June 19. If any Fair equipment or vehicles will arrive prior to that time, the Department (Michael D'Angelo, 845-364-3439, dangelom@co.rockland.ny.us) must be notified.

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- 2 A recent site visit to the Commuter Lot (Lot J) showed that landscaping equipment and vehicles are located in the Southwestern portion of the lot, behind a fenced area. The area comprises a significant portion of the "commuter" section of the lot designated for the Fair event. Therefore, Palisades Center Mall Management should be prepared to have this equipment and fencing relocated to an area outside of the Commuter Lot (Lot J), should there not be enough space for commuter parking. It is also requested that Palisades Center Mall Management provide additional and more frequent security rounds in the Lot prior to, during and following the Fair event to restrict non-commuter vehicles from parking in the Lot.
- 3 The permanent passenger waiting facility shall remain available to commuters at all times during the Fair and shall be kept free and clear in order for commuters to access the facility. In addition, the permanent facility shall be for commuter use only.
- 4 The Fair's plan indicates that buses will be unable to access the existing bus stop/passenger waiting facility. Therefore, a temporary canopy shelter must be installed at a Temporary Bus Stop "A", located mid-Lot along the Fair fencing (as has been done in previous years). In addition, a second temporary canopy shelter must be installed at a Temporary Bus Stop "B" near the Lot exit to enable customers to board buses as the buses are leaving the Lot. This will provide a safe boarding area for commuters who may be displaced from the Commuter Lot (Lot J) and must park in the Home Depot Lot.
- 5 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 event.
- 6 The moveable handicapped parking signs must be relocated to the parking spaces closest to the Temporary Bus Stop "A", as described in item #4 above. The site layout plan must also identify where these parking spaces will be located.
- 7 The applicant shall provide and erect cones and fencing for the duration of the event to clearly delineate the designated "commuter" section of the Lot. The applicant shall also clearly delineate the bus travel lane to ensure that no vehicles are able to park within the bus travel lane. Lastly, the applicant shall clearly delineate a pedestrian walkway through the Lot for safe access to both the Temporary Bus Stop "A" and the Fair entrance.
- 8 Staff from Fair Productions must monitor the site before and during the Fair event to ensure that no conflicts with the commuter parking area arise, and to 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.
- 9 Flyers, posters, and/or other outreach must be provided to notify the commuters in advance of the upcoming Fair event regarding the shared usage of the commuter lot.
- 10 The applicant must notify Tappan Zee Constructors (TZC), who currently use the Commuter Lot (Lot J) for employee parking/shuttle bus operations during the construction of the new NY (Tappan Zee) Bridge. (Contact Carla Julien at TZC: 914-336-0938). TZC must be asked to move their employee parking/shuttle bus operation to an alternate location, such as the Thruway Exit 12/Route 303 Commuter Parking Lot or the Home Depot lot, from Monday, June 20 through Monday, July 11, 2016.
- 11 The applicant shall repair all damage to the Commuter Lot (Lot J), and return the site to pre-Fair condition, including but not limited to the permanent passenger waiting facility, displaced signage and any damaged pavement.

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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.rocklandbus.com. 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: rocklandgov.com/departments/public-transportation/.

13 Dates and times of performances must be provided to Rockland County Department of Public Transportation (Michael D'Angelo, 364-3439, dangelom@co.rockland.ny.us) in advance. It is recommended that show times do not start or end during PM peak commuter travel times (5-7 PM).

14 The applicant shall provide an adequate number of traffic attendants who are able to effectively direct the flow of vehicle traffic in the Lot at least one hour prior to, during and for one hour after any posted show times. These attendants shall also help pedestrians cross the ring road if the Home Depot parking lot is needed for overflow parking. (As noted in item #8 above, if overflow parking is needed, Fair patrons should be directed to park in the western portion of the Home Depot parking lot.)

15 An operations contact person for the Fair (and their contact information) must be provided to the Rockland County Department of Public Transportation (Michael D'Angelo, 364-3439, dangelom@co.rockland.ny.us). This Fair Productions 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.

16 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.

17 Animal and human waste shall be properly handled on the site and transported off of the site for appropriate disposal.

18 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.

19 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.

20 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.

21 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency
Rockland County Department of Public Transportation
Rockland County Department of Health

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Rockland County Office of Fire and Emergency Services

Brian Schuman

Palisades Mall Manager

Tina Scala, Clarkstown Building Department

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.

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.