

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 18, 2017

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: 3/21/2017

Item: *DREAMLAND AMUSEMENTS, INC. (C-1335KKK)*

Permit to allow a carnival to be located in the commuter parking lot (Lot J) of the Palisades Center Mall from April 20 through April 30, 2017 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 The New York State General Municipal Law requires that 30 days be given to the planning departments for review of applications. This application was received by our office on March 21, 2017; thirty days would occur on April 21, 2017; the carnival is to start on April 20, 2017. Giving us less than the 30-day time period for review to plan for a carnival is insufficient and problematic. However, even more critical is the fact that insufficient time has been provided to the Rockland County Department of Public Transportation (DoPT), the entity that operates the bus service in the county. A site visit on April 17, 2017 shows that the carnival is already set up, yet no contact has been made with the DoPT, nor have any of the commuters, who utilize this parking lot, been alerted to the fact that a carnival was planned. In order for the operations of the bus service to run smoothly, the applicant **MUST** provide more notice to the Rockland County DoPT so that they can prepare in advance for the event. We are requesting that 45 days prior notification be provided. This includes notifying the operator of the buses serving the site, alerting the commuters as to the event, and having staff available to monitor the site before, during, and after the event.

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2 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 carnival event, the tractor trailers and other carnival-related vehicles, including worker vehicles, must be parked in the designated "Carnival" 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). Past users of Lot J for events parked tractor trailers that delivered event components 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 carnival workers have also been problematic. The Rockland County Department of Public Transportation has not yet been contacted regarding the carnival, even though it is planned to be held in only two days. The use of this lot will directly impact the existing bus system. A representative of Dreamland Amusements, Inc. must contact Michael D'Angelo, 845-364-3439, dangelom@co.rockland.ny.us from the Rockland County Department of Public Transportation regarding coordinated use of Lot J.

3 The permanent passenger waiting facility shall remain available to commuters at all times during the carnival 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 A temporary canopy shelter must be installed as a Temporary Bus Stop 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 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 and the carnival entrance. These features must be clearly delineated on a site plan before the event so that the Rockland County Department of Public Transportation can review the layout for safety and circulation issues.

7 Staff from Dreamland Amusements, Inc. must monitor the site before and during the carnival 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 carnival patrons to the western portion of the Home Depot parking lot.

8 Flyers, posters, and/or other outreach must be provided to notify the commuters in advance of the upcoming carnival event regarding the shared usage of the commuter lot.

9 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 Damien Lavera at TZC: 202-276-2029). 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 before the setup of the carnival (Thursday, April 20) through the breakdown of the event.

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10 The applicant shall repair all damage to the Commuter Lot (Lot J), and return the site to pre-carnival condition, including but not limited to the permanent passenger waiting facility, displaced signage and any damaged pavement.

11 In advertisements for the Rockland County performances of the carnival, 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/.

12 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).

13 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 #7 above, if overflow parking is needed, carnival patrons should be directed to park in the western portion of the Home Depot parking lot.)

14 An operations contact person for the carnival (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 Dreamland Amusements, Inc. 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.

15 The map submitted with the application shows an area for storage of equipment. It must be clarified if these spaces are for the trucks/trailers hauling the event equipment, or just the equipment itself. If this area is not designated for the truck/trailer parking, then the site plan must illustrate where these vehicles will be stored. Under no circumstances are they to be parked in the commuter lot area.

16 The application notes the dates that the carnival will be at the Lot J. However, no dates are provided as to the arrival and setup of the equipment, or the breakdown date of the event. These dates are just as crucial to know so that proper planning of the event can occur. These dates MUST be provided in all future applications. Dreamland Amusements, Inc. must contact Michael D'Angelo with the expected final breakdown date of the event.

17 The site plan provided shows red dots surrounded by a white circle. The legend does not include these symbols. It must be clarified what these red circles represent.

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 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.

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

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21 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.

22 As stated in the Clarkstown Code, the site shall be cleared of all debris and rubble within 72 hours after the closing of the carnival.

23 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
Rockland County Office of Fire and Emergency Services

Dreamland Amusements, Inc.
Darrin Houseman, Palisades Center General 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.