



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

March 1, 2018

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: 2/1/2018

Item: *DREAMLAND AMUSEMENTS INC (C-1335MMM)*

Permit to allow a carnival to be located in the commuter parking lot (Lot J) of the Palisades Center Mall from April 12 through April 29, 2018 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 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. 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 or dangelom@co.rockland.ny.us from the Rockland County Department of Public Transportation regarding coordinated use of Lot J.

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2 The site layout map provided is significantly different from the site layout map provided in 2017. The new layout proposes the use of approximately 75 more parking spaces than last year. This is a significant impact, as it will result in more than half of the available spaces in the commuter lot being used by the carnival. The proposed layout is the largest possible layout allowable in the lot, as the remaining spaces must be preserved for commuters. The applicant should note that no further expansion into the Commuter lot will be possible now or in the future, and the Public Transportation Department reserves the right to reduce the allowable size of the layout for future events, depending on commuter parking demand at that time.

3 It is unclear based on the site layout map what the rectangular items are on either side of the "Haunted 65 x 20" item located directly in front of the permanent bus passenger structure. It is our policy that 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 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.

5 The site layout indicates that there will be established a "Temporary Commuter Area 1" and a "Temporary Commuter Area 2". It should be noted that the applicant must install a canopy shelter at each of those locations to provide shelter for bus service customers waiting to board the bus. As the bus circulation pattern is being altered to accommodate this event, commuters must be provided appropriate, sheltered waiting areas in proximity to the bus lane, as well as for commuters who may be displaced from the lot and must park in the Home Depot lot.

6 The moveable handicapped parking signs must be relocated to the parking spaces closest to the Temporary Commuter Area "1". The site layout plan must be revised to identify where these parking spaces will be located.

7 The "Bus Path" on the site layout map should be revised to show the bus lane turning left after the carnival entrance and prior to Temporary Commuter Area 1 (instead of continuing around the perimeter of the lot). The Public Transportation Department requests that the Porto Potties shown on the layout adjacent to the permanent bus passenger structure be relocated to where they were last year, within the delineated Carnival area near the entrance to the parking lot (away from the bus passenger structure and the Temporary Commuter Area 1 (temporary shelter). The Temporary Commuter Area 1 (temporary shelter) should be moved closer to the point where the bus will turn left (as per the Bus Path revision request noted above).

8 The Public Transportation Department requests that the Dumpster shown on the layout at the lot entrance be relocated to where it was last year, within the delineated Carnival area further away from Temporary Commuter Area 2 (temporary shelter).

9 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 Commuter Areas 1 and 2 and the Carnival entrance. These items should be included on the site layout map.

10 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.

11 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.

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12 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 through the breakdown of the event.

13 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: rocklandbus.com.

14 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.

15 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).

16 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 #9 above, if overflow parking is needed, carnival patrons should be directed to park in the western portion of the Home Depot parking lot.)

17 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 operations representative 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.

18 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.

19 The application notes the dates that the carnival will be at 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 first anticipated set-up date and time, as well as the expected final breakdown date of the event.

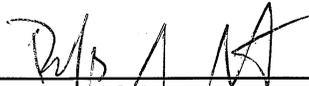
20 The site plan provided shows red dots surrounded by a white circle. The legend does not include these symbols. It must be clarified what these red circles represent.

21 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.

22 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.

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- 23 Animal and human waste shall be properly handled on the site and transported off of the site for appropriate disposal.
- 24 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.
- 25 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.
- 26 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
- Tina Scala, Clarkstown Building Department
David Erickson, Dreamland Amusements, Inc.
Darrin Houseman, Palisades Center General Manager
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.