

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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August 12, 2019

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: 8/1/2019

Item: *CIRCUS HERMANOS VAZQUEZ (C-1335QQQ)*

Permit to allow a circus to be located in the commuter parking lot (Lot J) of the Palisades Center Mall from August 30 through September 16, 2019 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 Rockland County Department of Public Transportation (RCDofPT) notified the Town of Clarkstown in May of this year with regard to serious concerns it has about the continued use of the Palisades Center Commuter Lot for events such as this circus, which are in conflict with bus operations and which, in many cases, create damage to the parking facility. At that time, the Department indicated that it was asking the Town to consider placing restrictions on the use of the Commuter Lot. That request remains active.

Further, as the Town holds funds in escrow to address issues and damages created by permit holders, the Town should be aware that those funds will be requested by the RCDofPT to pay for damages within the commuter parking facility following this or any future event. The RCDofPT will work with the Management staff at Palisades Center to determine the cost for repairs that must be made.

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- 2 Preserving commuter parking is 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 circus event, the tractor trailers and other circus-related vehicles, including worker vehicles, must be parked in the designated "Circus" 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 circus workers have also been problematic. The use of this lot will directly impact the existing bus systems. If not already done so, a representative of Circus Hermanos Vazquez 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.
- 3 The site layout map provided indicates that the circus will have a significant impact on the commuter lot, as it will result in more than half of the available spaces being used. The proposed layout is the largest possible layout allowable in the lot, as the remaining spaces must be preserved for commuters. The applicant must note that no further expansion into the Commuter lot will be possible now or in the future, and the RCDofPT reserves the right to reduce the allowable size of the layout for future events, depending on commuter parking demand at that time.
- 4 It is our policy that the permanent passenger waiting facility shall remain available to commuters at all times during the circus and shall be kept free and clear in order for commuters to access the facility and the bus ticket vending machine in the shelter. In addition, the permanent facility shall be for commuter use only.
- 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 site layout indicates that a "temporary shelter" will be established in two locations. 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.
- 7 Designated handicapped parking spaces must be provided closest to the western temporary shelter. The site layout plan must be revised to identify where these parking spaces will be located. The current movable handicapped signs can be relocated to the temporary handicapped parking area. These signs must be placed back to the original parking spot locations once the circus event is over.
- 8 The RCDofPT maintains the dumpster currently on site, and under no circumstances is this dumpster to be used by the circus. To avoid any confusion, the circus must place its own dumpster within the delineated circus area, and further away from the permanent passenger structure. The circus dumpster location must be accessible for easy garbage collection.
- 9 The site plan provided (aerial with the circus tent overlaid) is very scant with details. In order to do a proper evaluation of the setup of the event, and how it relates to the commuter parking on the site, more detailed information must be provided. The location for the entrance(s), any portable toilets, trash dumpsters, and other features associated with the Circus must be clearly illustrated on the plans to ensure that their locations will not interfere with bus circulation. Under no circumstances shall toilets or dumpsters be located near the temporary shelters or the permanent shelter.

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10 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 from that of the Circus. The applicant shall also clearly delineate the bus travel lane to ensure that no vehicles are able to park within the bus travel lane and to guarantee that the circulation will not be impeded by Circus equipment. Lastly, the applicant shall clearly delineate a pedestrian walkway through the Lot for safe access to any temporary commuter area, the temporary shelters, or Circus entrance. These items should be included on the site layout map.

11 Staff from Circus Hermanos Vazquez must monitor the site before and during the circus 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 circus patrons to the western portion of the Home Depot parking lot.

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

13 In advertisements for the Rockland County performances of the Circus, 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, go to www.rocklandbus.com, or www.ridehudsonlink.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-circus condition, including but not limited to the permanent passenger waiting facility, displaced signage, and any damaged pavement. The Town will be asked to retain escrow funds for any damage not repaired by the applicant.

15 Dates and times of performances must be provided to the RCDofPT (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 #11 above, if overflow parking is needed, circus patrons should be directed to park in the western portion of the Home Depot parking lot.)

17 An operations contact person for the circus (and their contact information) must be provided to the RCDofPT (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 two areas labeled as "RV". It must be clarified if these spaces are for the trucks/trailers hauling the event equipment. 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 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.

20 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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- 21 Animal and human waste shall be properly handled on the site and transported off of the site for appropriate disposal.
- 22 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.
- 23 As stated in the Clarkstown Code, the site shall be cleared of all debris and rubble within 72 hours after the closing of the circus.
- 24 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 Department of Health
Rockland County Department of Public Transportation
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services

Tina Scala, Clarkstown Building Department
Erik Asheim, Clarkstown Building Inspector
Darrin Houseman, Palisades Center General Manager
Marjorie Chin, Transdev Services, Inc.
Carlos de la Garza, Circus Hermanos Vazquez
Attention Kathleen Houlahan, 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.