

AGENDA

ZOOM MEETING

REGULAR MEETING AND PUBLIC HEARINGS OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

MAY 10, 2021

7:45 PM

- PUBLIC HEARING
ADOPT 2020/2021 VILLAGE BUDGET

- PUBLIC HEARING
ANNUAL STORM WATER MANAGEMENT REPORT – MS 4

- PUBLIC HEARING
TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 159 – PEACE AND ORDER – ARTICLE II PUBLIC NUISANCES

- PUBLIC HEARING
TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
ADD CHAPTER 117 – FOOD TRUCKS

- PUBLIC HEARING
TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
TO CONSIDER CANNABIS – OPTING OUT OF RETAIL SALES AND ON-SITE CONSUMPTION
ESTABLISHMENTS

1. CALL TO ORDER
2. SALUTE TO THE FLAG
3. ROLL CALL
4. REPORTS
 - I. POLICE ACTIVITY REPORT – April 2021
 - II. PUBLIC WORKS & BUILDING INSPECTORS REPORT – Steve Cherson
 - III. TREASURER’S REPORT – Treasurer Herbert A. Klibanoff
 - IV. LEGAL – Village Attorney Dominick Minerva
5. GOOD AND WELFARE = QUESTIONS AND CONCERNS
6. TAX WARRANT
7. RESOLUTION – Overtime Village Security Personnel
8. RESOLUTION – Approval of Bills
9. RESOLUTION – Approval of Minutes April 19, 2021
10. DATE OF NEXT MEETING – JUNE 14, 2021
11. ADJOURNMENT

Article II Public Nuisances

159-5 Prohibited acts.

K. Residential properties

1. No person shall cause or permit to be caused by any means noise which causes the noise level to exceed 65 dB (other than the premises from which the noise emanates) to be heard beyond the boundaries of property owned or leased that would annoy, injure or endanger the comfort, repose, health, peace or safety of other persons.

2. No person shall maintain or operate any radio, record player, tape recorder, musical devices or instruments or other device designed for the creation or broadcast or emission of music or other sounds at such a level that the noise emitter there from shall unreasonably disturb, annoy, alarm or interfere with the comfort or repose of any person not on the premises on which such device is located

L. Non-residential properties

1. The use of any sound-reproduction device outside of a structure whereby the sound emitted from such device is audible on property being used for residential purposes from the real property boundary line of the property from which said noise emanates.

2. The use or operation of any sound-reproduction device inside a structure so as to result in the sound, or any part thereof, emitted from such device to be projected there from outside the structure whereby the sound emitted from such device is audible on property being used for residential purposes from the real property boundary line of the property from which the noise emanates.

159-5.1 Exceptions.

A. Noises caused by concerts or events sponsored or permitted by the Village.

B. Noise caused when a permit has been issued for any of the following:

1. A block party between the hours of 11:00 a.m. and 10:00 p.m.

2. Noise emanating from commercial establishments sponsoring concerts or bands where a permit allowing noise exceeding 65 dB has been issued by the Village, and provided that such noise shall not exceed more than three hours in total duration between the hours of:

(a) 12:00 p.m. - 10:00 p.m. Monday – Thursday

(b) 12:00 p.m. – 11:00 p.m. Friday - Sunday

Chapter 117
Temporary Food Service Establishments

117-1 Definitions.

FOOD CART

A cart or other movable device, used on the public sidewalks or in public places, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution, and which is not licensed as a food truck or food trailer.

FOOD CART VENDOR

The owner or operator of a food cart or the owner's agent; hereinafter referred to as "vendor."

FOOD TRUCK

A motorized vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRUCK VENDOR

The owner or operator of a food truck or the owner's agent; hereinafter referred to as "vendor."

FOOD TRAILER

A non-motorized vehicle, designed to be towed by a motorized vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

FOOD TRAILER VENDOR

The owner or operator of a food trailer or the owner's agent; hereinafter referred to as "vendor."

SPECIAL EVENT

A special public event that is either sponsored by the Village or granted a permit by the Village.

SPONSOR

The person or organization that organizes, controls and/or manages the event at which a temporary food service establishment provides food service.

117-2 General provisions

A. No food truck, food trailer, food cart vendor shall operate within the public rights-of-way, Village owned property or private property within the Village without first having obtained a valid food truck vending license or permit as prescribed in this article.

B. No food truck, food trailer, food cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

C. All food trucks, food trailers, food carts must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.

D. No vendor shall make loud noises or project any light in any public street, sidewalk or place for the purpose of selling any food or merchandise.

E. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carries away the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their food truck or trailer free and clear of any litter, trash or spillage from the unit.

F. No billboards, signs, sandwich signs, flashing signs, rotating signs, neon signs, movable signs, illuminating signs, spot light signs or other sign devices shall be erected, constructed or used on any public highway, street, private road, public or private lot or house, store or building, whether permanent or temporary, except as provided in this chapter or as authorized by the Village Board of Trustees.

117-3 Permit required.

It shall be necessary for any individual or organization that wishes to operate as a temporary food establishment to acquire a permit from the Village Clerk approved by resolution of the Village Board of Trustees.

117-4 Permit application.

A. Every applicant for a permit is required to submit to the Village a written application supplying under affidavit the following information at least ten (10) days prior to the time in which they wish to use the permit:

(1) Name, address and telephone number of each applicant and each corporate officer of the food truck, food trailer and/or cart vending corporation, or owner of an unincorporated business.

(2) Name, address and telephone number of at least one person who shall be the designated operator. A designated operator shall be a person who is directly responsible for supervising the operation of the food truck, food trailer and/or cart. At least one designated operator shall be present at all times that a food truck, food trailer and/or is being set up and used for food vending.

(3) A valid copy of a Nassau County Department of Health permit for Temporary Food Service Establishments

(4) Valid New York State Department of Motor Vehicles registration and vehicle insurance and valid driver's licenses of all vehicle drivers.

(5) The date(s) and time(s) requested for the Temporary Food Truck, Trailer, or Cart use.

(6) Submit color picture of food truck, trailer, and/or cart.

117-5 Fees.

The amount payable shall be established by resolution by the Village Board of Trustees.

117-6 Penalties for Offenses.

Any person, association, partnership or corporation violating any provisions of this chapter shall be guilty of a violation and shall be punishable by a fine of not less than \$250 and not more than \$1,000 for each violation, or by imprisonment not to exceed 15 days or a combination of both.

Local Law No: _____ of the year 2021

Village of Atlantic Beach, County of Nassau

Chapter 82 Cannabis Establishments Opt-Out

82-1. Legislative Intent

It is the intent of this local law to opt the Village of Atlantic Beach out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

82-2. Authority

This local law is adopted pursuant to New York State Cannabis Law §131, which expressly authorizes cities and villages to opt-out of allowing cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

82-3. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The Board of Trustees and the Village of Atlantic Beach, County of Nassau, hereby opts-out of licensing and establishing cannabis retail dispensaries and on-site cannabis establishments within its boundaries.

82-4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

82-5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to New York State Cannabis Law §131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.