

MINUTES OF THE PUBLIC HEARING ON
LOCAL LAW 7-2021 - CHAPTER 210 - TAXATION
AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

DECEMBER 13, 2021

CALL TO ORDER

Mayor Pappas called the meeting to order at 7:45 PM.

SALUTE TO THE FLAG

ROLL CALL

Present were:

Mayor George J. Pappas
Trustees Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

ASBSENT: Supt. of Public Works/ Building Inspector Steven Cherson EXCUSED

REPORTS

. REPORTS

- I. A. Police Activity Report – November 2021 – given by
Police Officer Vincent DeLmaestro
Movers: 23 Crime Reports: 1 Parkers: 0
- B. Atlantic Beach Rescue Report – Commissioner Nat Etrog
Report given and attached
- C. Park Commission – Chairman Nat Etrog
Report given and attached
- D. The Village Garden
"A Community Garden for the Residents of Atlantic Beach"
Mayor Pappas said the Community Garden is closed for the season
- E. Sanitation Report - Commissioner Allan Jacobs – absent – no report
- F. Beautification Report – Dolores Friedel
Report given and attached
- G. AB Cats – Linda Baessler
One cat at the feeding station at the end of the Park Street extension died;
One female cat trapped from Bay Boulevard and neutered;
We will continue to trap and neuter cats
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT
– Steven Cherson's report read by the Village Clerk – attached
- III. TREASURER'S REPORT – Herbert A. Klibanoff
For the month of November 2021 – we had \$1,316,351.86 total cash available
Capital Checking \$6,152.36; BZA Escrow \$27,750.89;
General Fund \$1,282,448.61
- IV. LEGAL – Village Attorney – Dominick Minerva
He requested executive session at end of meeting to discuss legal matters
- V. TVASNAC – Carl Baessler
Nothing new to report

APPOINT BOARD OF ZONING APPEALS

Chairman - Anthony Siniscalchi

Appoint to one year term 1/1/2022 – 12/31/2022

Motion by: Trustee Sullivan Seconded by: Trustee Baessler

All Ayes

Alternate Commissioner – Allan Jacobs

Appoint to one year term 1/1/2022 – 12/31/2022

Motion by: Trustee Rubin Seconded by: Trustee Beaumont

All Ayes

Alternate Commissioner – Danae Muddiman

Appoint to one year term 1/1/2022 – 12/31/2022

Motion by: Trustee Beaumont Seconded by: Trustee Sullivan

All Ayes

Commissioner Carl Baessler

Appoint to five year term 1/1/2022 -12/31/2026

Motion by: Trustee Rubin Seconded by: Trustee Beaumont

All Ayes

Commissioner Gary Spindler

Appoint to four year term 1/1/2022 - 12/31/2025 (remaining term of Allan Jacobs)

Motion by: Trustee Sullivan Seconded by: Trustee Baessler

All Ayes

RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 10, 2022 TO
CONSIDER THE ACQUISITION OF 2025 PARK STREET AND 2035 PARK STREET,
ATLANTIC BEACH, NEW YORK BY EMINENT DOMAIN

Upon motion of Trustee Baessler and seconded by Trustee Sullivan, be it resolved that a public hearing is hereby scheduled for January 10, 2022 to consider the acquisition of 2025 Park Street and 2035 Park Street, Atlantic Beach, New York by Eminent Domain and the publication of legal notices in the Nassau Herald for two consecutive weeks and publication in Newsday for five consecutive days is hereby authorized.

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

RESOLUTION AUTHORIZING THE EXECUTION OF THE SHORT ENVIRONMENTAL
ASSESSMENT FORM AND APPROVING THE NEGATIVE DECLARATION IN
CONNECTION WITH THE CONDEMNATION PROCEEDING CONCERNING 2025
PARK STREET AND 2035 PARK STREET, ATLANTIC BEACH, NEW YORK

WHEREAS, the Board of Trustees of the Incorporated Village of Atlantic Beach (hereinafter, "Village") desires to acquire the premises located at 2025 Park Street, Atlantic Beach, New York also known as Section 58, Block 60, Tax Lots 5-9 and the premises located at 2035 Park Street, Atlantic Beach, New York also known as Section 58, Block 60, Tax Lots 1-4 on the Nassau County Land and Tax Map ("Subject Properties"), for the purpose of expanding the existing adjacent recreational facilities of the Village; and

WHEREAS, the acquisition of the Subject Properties is for a "public use, benefit or purpose", and therefore, is considered to be a "public project" (hereinafter, "Public Project") within the meaning of Section 103 of the New York Eminent Domain Law; and

WHEREAS, the Village must initially determine whether the Public Project is subject to the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, and associated regulations, including 6 N.Y.C.R.R. § 617.1 et.seq. ("SEQRA"); and

RESOLUTION AUTHORIZING THE EXECUTION OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND APPROVING THE NEGATIVE DECLARATION IN CONNECTION WITH THE CONDEMNATION PROCEEDING CONCERNING 2025 PARK STREET AND 2035 PARK STREET, ATLANTIC BEACH, NEW YORK

(Continued)

WHEREAS, pursuant to SEQRA, the Village is required to undertake a review of potential environmental impacts associated with the Public Project; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.6(a)(1)(iv), the Village must make a preliminary classification of the Public Project as either a Type 1 or Unlisted action, by comparing it with the thresholds set forth in 6 N.Y.C.R.R. § 617.4; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.6(a)(3), if the Village determines that the Public Project is an Unlisted action, the Short Environmental Assessment Form (hereinafter, the "Short Form EAF") must be used to determine the significance of such actions; and

WHEREAS, pursuant 6 N.Y.C.R.R. § 617.6(b), if more than one agency is involved, a lead agency must be established prior to a determination of significance; and

WHEREAS, if the action is an Unlisted action, then the Village may conduct an uncoordinated review as if it was the only involved agency unless and until it determines that an action may have a significant adverse impact on the environment; and

WHEREAS, the Village has prepared and reviewed the required Short Form EAF for the Public Project; and

WHEREAS, in addition to reviewing the Short Form EAF for the Public Project as completed, and by reviewing each of the matters associated with the Public Project as required by SEQRA, including analyzing, among other impacts and potential impacts those to land, storm water and groundwater, community character, potential impacts to historic and agricultural resources, as well as other impacts;

NOW THEREFORE BE IT RESOLVED as follows:

1. That the Village has reviewed and considered the Short Form EAF pursuant to the parameters set forth in the applicable provisions found under 6 N.Y.C.R.R. § 617.
2. That the Village authorizes Dominick Minerva, Esq., Village Attorney, to execute the Short Form EAF on behalf of the Village.
3. That the Village has classified its review and approval of the Public Project as an Unlisted action pursuant to applicable regulations and criteria.
4. That the Village has carefully reviewed the Short Form EAF, including the responses provided, and that based on the foregoing analyses and information, the Village has thoroughly reviewed the potentially relevant areas of environmental concern and finds that the Project will not result in a significant adverse impact on the environment for the following reasons:
 - a) The Public Project will not have a significant adverse impact on the land nor have a significant adverse environmental impact to the surrounding areas because the proposed properties to be acquired will be used for an expansion of recreational facilities in the Village;
 - b) The Public Project will not have a potential significant adverse environmental impact on water, including surface (ground) water storm water. The Public Project will not affect any protected water body. Further, the Public Project will not have any significant impacts on federal or state wetlands as it will not encroach on any such wetlands located on or in proximity to the Public Project. There will be no potential significant adverse impact to any non-protected water body. There will be no potential significant adverse impact to surface or groundwater quality or quantity. In addition, the Proposed Project will not alter the drainage flow or patterns, or surface water runoff.
 - c) The Public Project will not result in any significant adverse impact to air quality from traffic and other operations associated with the Public Project, including during

RESOLUTION AUTHORIZING THE EXECUTION OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND APPROVING THE NEGATIVE DECLARATION IN CONNECTION WITH THE CONDEMNATION PROCEEDING CONCERNING 2025 PARK STREET AND 2035 PARK STREET, ATLANTIC BEACH, NEW YORK (Continued)

construction of the Public Project, as no material increases in traffic is expected, and the construction including equipment used during construction it is not anticipated to result in any significant negative impacts to air quality.

d) The Public Project will not result in a significant adverse impact on plants or animals, including those which may be identified as endangered or threatened.

e) The Public Project will not result in a significant adverse impact on agricultural resources.

f) The Public Project will not result in a significant adverse impact on aesthetic resources.

g) The Public Project will not result in a significant adverse impact to historic or archeological resources as no building or structure that is listed or eligible for listing is on the state or national registers of historic sites has been identified at the subject premises. In addition, the Public Project is not being constructed in an area designated as archeologically sensitive.

h) The Public Project will not result in a significant adverse impact on existing open space and recreation, as the project includes an increase in recreational opportunities for the community, and any open space and recreation will continue to exist after the Public Project is completed.

i) The Public Project will not result in a significant adverse impact on a Critical Environmental Areas as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations as no such area within the Public Project site area has been identified.

j) The Public Project will not result in a significant adverse impact on transportation or to the existing traffic patterns or flow as no significant increase to traffic from the Public Project is anticipated.

k) The Public Project will not result in a significant adverse impact from objectionable noise and odor. While during demolition of the existing building on the premises and the construction of the new recreational building and facilities at the site may result in some noise or potential odors from heavy equipment, same are not anticipated to be of any significant duration, and will be within the normal range of such noise and odor for construction and demolition projects of the size proposed by the Village.

l) For the reasons set forth in the Short Form EAF, no adverse impact is expected on local utilities from the Public Project. Thus, no such significant adverse impacts are anticipated based on water usage, or sewer usage associated with the Public Project;

NOW THEREFORE BE IT FURTHER RESOLVED: Based on the foregoing, the Village finds that the Public Project will not have a significant adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth in 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The Village thus adopts a Negative Declaration pursuant to SEQRA and directs the following be undertaken and/or makes the following additional findings:

1. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the Village may deem advisable. The Preambles, findings and conclusions relating to the determination of non-significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution as applicable.

2. This Resolution has been prepared and adopted in accordance with Article 8 of the New York Environmental Conservation Act by the Board of Trustees of the Incorporated Village of Atlantic Beach.

3. The Board of Trustees of the Incorporated Village of Atlantic Beach is authorized to file the Negative Declaration in accordance with the applicable provisions of the law.

4. The requirements of SEQRA have been satisfied.

Motion by: Trustee Rubin

Seconded by: Trustee Sullivan

Ayes: Mayor George J. Pappas

Trustees Edward A. Sullivan

Andrew J. Rubin

Linda L. Baessler

Patricia Beaumont

Noes: None

GOOD AND WELFARE

Residents had various concerns and questions:

- New road under the bridge starting at Albany Boulevard is cracking – Mayor Pappas said he will contact the NCBA
- What is structure on Park Street and Vernon Avenue
Mayor Pappas gave an overview –New York American Water - Place (3) three 18,000 gallon open top settling tanks as part of the iron filtration backwash system
- Locks on beach gates broken – they are being repaired
- Dutchess bay bulkhead eroding away – Mayor Pappas said he will address this
- Tennis center tent – what is the purpose – people can play tennis in the winter
- Fire Department block road with lighting of Menorah – Mayor Pappas said he has written to LB Fire Department

MOVIE NIGHT

Trustee Beaumont announced the following:

Movie Night – December 22nd – The Grinch will be shown at 6:30 PM
at the Atlantic Beach Tennis Center - free event

At 7:50 PM Mayor Pappas called the following Public Hearing to order.

Motion by: Trustee Sullivan Seconded by Trustee Rubin All Ayes

LOCAL LAW 7-2021 - PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH - CHAPTER 210 - TAXATION - ARTICLE IV - SECTION 210.24 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c.

A local law to amend Chapter 210 of the Code of the Village of Atlantic Beach – Taxation Article IV- Section 210.24 to authorize an override of the tax levy limit established in General Municipal Law §3-c

Section 210.24. Legislative Intent

It is the intent of this local law to allow the Village of Atlantic Beach to adopt a budget for the fiscal year commencing June 1, 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 210.25. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 210.26. Tax Levy Limit Override

The Board of Trustees of the Village of Atlantic Beach, County of Nassau, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 210.27. 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.

Section 210.28. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

LOCAL LAW 7-2021 - PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH - CHAPTER 210 - TAXATION - ARTICLE IV - SECTION 210.24 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c.
(Continued)

Trustee Rubin moved the adoption of the following:

RESOLVED, to adopt Local Law 7-2021 to amend the Code of the Village of Atlantic Beach Chapter 210 - Taxation - Article IV - Section 210.24 Overriding the tax levy limit established by General Municipal Code §3-C.

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

At 7:55 PM Mayor Pappas made a motion to adjourn the public hearing and go back into the regular meeting. Seconded by Trustee Rubin - All Ayes

TENNIS CENTER TENT

The Board granted permission for the tennis center to put up the tent for the period December thru March.

OVERTIME FOR PUBLIC WORKS - WINTER SNOW REMOVAL

Trustee Sullivan moved the adoption of the following:

RESOLVED, that public works employees be paid time and one half - over 40 hours - for snow removal during the 2021/2022 winter season.

The foregoing was seconded by Trustee Baessler and moved by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

HIRE TOWING COMPANY TO REMOVE CARS ILLEGALLY PARKED DURING SNOWSTORMS, EMERGENCIES OR AS NEEDED

Trustee Baessler moved the adoption of the following:

RESOLVED, to hire Burnside Avenue Garage, 686 Burnside Avenue, Inwood, NY to remove cars parked illegally during snowstorms, emergencies or as needed.

The foregoing was seconded by Trustee Beaumont and moved by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

APPROVAL OF BILLS

Trustee Baessler moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of \$156,195.27

The foregoing was seconded by Trustee Sullivan and moved by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin

Noes: None

APPROVAL OF MINUTES

Motion made by Trustee Rubin and seconded by Trustee Sullivan that the Minutes of November 8, 2021- were accepted as written by the Village Clerk -

Ayes: Mayor Pappas, Trustees Baessler, Beaumont, Rubin, Sullivan

DATE OF NEXT MEETING - Monday, January 10, 2022

At 8:10 PM Trustee Sullivan made a motion to adjourn the regular meeting and go into Executive Session to discuss legal matters. The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

At 8:20 PM Mayor Pappas made a motion to call the Executive Session to order

EXECUTIVE SESSION

Present were:

Mayor George J. Pappas
Trustees Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

At 8:35 PM Mayor Pappas made a motion to adjourn the Executive Session and go to regular meeting. The foregoing was seconded by Trustee Baessler – all ayes

ADJOURNMENT

At 8:30 PM Mayor Pappas made a motion to adjourn

The foregoing was seconded by Trustee Beaumont and moved by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Andrew J. Rubin
Patricia Beaumont

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk