

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

APRIL 13, 2026 --- 7:30 PM

1. CALL TO ORDER
2. SALUTE TO THE FLAG
3. ROLL CALL
- 4.

**PUBLIC HEARING TO AMEND CHAPTER 130
TRANSFERS ADMINISTRATIVE RESPONSIBILITY FOR THE VILLAGE'S VALET PARKING LICENSING
PROGRAM FROM THE POLICE COMMISSIONER TO THE BUILDING INSPECTOR AND CLARIFIES
THAT THE BUILDING INSPECTOR HAS FULL AUTHORITY TO ISSUE, RENEW, SUSPEND, AND REVOKE
VALET PARKING LICENSES, APPROVE VALET PARKING PLANS, AND HANDLE ALL RELATED
ADMINISTRATIVE FUNCTIONS**

**PUBLIC HEARING TO AMEND CHAPTER 250 – ARTICLE VIII
MR - MARINE RECREATION DISTRICT**

**PUBLIC HEARING TO AMEND CHAPTER 250, SECTION 124
PENALTIES FOR OFFENSES – PENALTY STRUCTURE FOR ZONING VIOLATIONS**

**PUBLIC HEARING TO AMEND SECTION 250-108 – SPECIAL EXCEPTION PERMIT PROCEDURES AND
STANDARDS APPLICABLE TO EDUCATIONAL AND RELIGIOUS USES**
(adjourn until May)

5. REPORTS
 - I.
 - A. Police Activity Report – March 2026
 - B. Atlantic Beach Rescue Report – Deputy Chief Anthony Rivelli Office of Emergency Management Reports – Director Anthony Rivelli
 - C. Park Commissioner Report – Chairman Nat Etrog
 - D. The Village Garden – Anita Geier
 - E. AB Cats – Beth Brenner
 - F. Beautification Report – Dolores Friedel
 - G. TVASNAC – Carl Baessler
 - II. PUBLIC WORKS & BUILDING DEPARTMENT – Vincent Amoroso
 - III. CODE ENFORCEMENT – Vincent Amoroso
 - IV. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
Finance Committee, budget

5. RESOLUTION – Lease 2026 Season Parking Lot Rental

Parking lot rental southeast corner Ocean Blvd. and the Plaza for the 2026 season in amount to be determined in excess of \$40,283

6. RESOLUTION - BE IT RESOLVED by the Board of Trustees of the Village of Atlantic Beach to transfer the sum of \$30,000 from the Village Capital Account to the Village General Fund.

7. RESOLUTION – Publish Legal Notice in the Nassau Herald to Hold Public Hearing
May 11, 2026 for the Annual Storm Water Management Report – MS-4

Village of Atlantic Beach public hearing on the annual storm water
management report MS-4

Notice is hereby given that on Monday May 11 2026 at 7:30 PM in the village hall
65 the Plaza Atlanta Beach New York
The board of trustees will hold a public hearing

A copy the text will be will be on file in the office of the village clerk at such
public hearing. Interested persons will be given an opportunity to be heard.

By order of the Board of Trustees
Emily Siniscalchi, Village clerk Dated April 13, 2026

8. RESOLUTION – Traffic Direction Changes 2026 Summer Season

Change the direction on Coronado and Daytona streets from one way South to one way
North between Atlantic and Pacific boulevards from Memorial Day to Labor Day and to
notify residents prior to change

9. RESOLUTION – Speed Bumps

Atlantic Blvd. at Bermuda St. and Coronado street and Bay Blvd. at Daytona St. and El
Dorado St.

10. RESOLUTION – Overtime Village Security Personnel

Pay Village Code Enforcement Personnel time and 1/2 for the following holidays
Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas and New Year's Day

11. RESOLUTION – Appointment of Election Inspectors June 16, 2026 Election

Pursuant to section 15-116 of the election law the following people are appointed as inspectors of election and should be paid at the following rate
\$125 for Election Day for each inspector and \$175 for Election Day chairperson
Chairperson Steven Garfinkle
Inspectors Richard Digiovanna, Debbie Hankins, Anne M Mentink

12. RESOLUTION – Polling Place

Whereas the next village election for offices will be held on June 16, 2026 at the Village hall 65 the Plaza Atlantic Beach NY and

Whereas no person should be entitled to vote in any village elections whose name does not appear on the register of the election district in which he claims to be entitled to vote and

Whereas the village has abolished registration days - all those wanted to vote in the village must be registered with the county Board of Elections

13. GOOD AND WELFARE

14. RESOLUTION – Approval of Bills

15. RESOLUTION – Approval of Minutes -- March 9, 2026 and March 26, 2026

16. Earth Day and Beach Clean Up Sunday April 19 10 AM

17. DATE OF NEXT MEETINGS – APRIL 23, 2026 approval of Budget and May 11, 2026 Monthly Village Meeting

18. ADJOURNMENT

A Local Law Amending Chapter 130 Article III, “Village Valet License”, of the Code of the Village of Atlantic Beach

BE IT ENACTED by the Board of Trustees of the Village of Atlantic Beach, Nassau County, New York, as follows:

Section 1. Purpose and Findings.

The Board of Trustees hereby finds and determines that, in order to ensure the continued effective administration and enforcement of the Village’s valet parking regulations under Article III of Chapter 130 of the Village Code, it is appropriate to transfer the responsibilities previously assigned to the Police Commissioner to the Building Inspector. The Board of Trustees deems the Building Inspector to be the most suitable official to oversee and administer the Village’s valet parking licensing provisions.

Section 2. Amendment of § 130-15 (Conditions Under Which Valet Parking Permitted).

Section 130-15 of the Village Code is hereby amended to read as follows:

§ 130-15. Conditions under which valet parking permitted.

Valet parking shall be permitted when authorized by a license issued by the **Building Inspector**.

Section 3. Amendment of § 130-16 (Valet Signs).

Section 130-16 of the Village Code is hereby amended to read as follows:

§ 130-16. Valet signs.

In addition to such other signs as may be permitted by the Village, additional temporary/portable signs stating “Valet Parking” and the name of the business may be erected at a location approved by the **Building Inspector**, of sufficient size to be visible from the street to the extent deemed by the **Building Inspector** to be necessary to inform the public of the valet parking operation. Such temporary/portable signs shall be displayed and maintained on private property and shall not be placed in the public right-of-way. Such signs shall only be displayed during valet operation hours and shall be removed at the end of each day.

Section 4. Amendment of § 130-17 (Operations).

The last sentence of Section 130-17 of the Village Code is hereby amended to read as follows:

The applicant shall submit a valet parking plan sufficiently describing the proposed valet operation, to be approved in advance by the **Building Inspector**. **A copy of each approved**

valet parking plan shall be filed with and maintained by the Village Clerk's office and shall be available for public inspection during regular business hours.

Section 5. Amendment of § 130-20 (Issuance and Term of License).

Section 130-20 of the Village Code is hereby amended to read as follows:

§ 130-20. Issuance and term of license.

An application for a Village valet parking license shall be submitted on a form promulgated by the **Building Inspector**. Such license for valet parking at a specific location may be issued for a period of one year and shall automatically expire at the end of said year unless renewed by the permittee, with the approval of the **Building Inspector**, for another year.

Section 6. Amendment of § 130-22 (Prohibited Acts; License Suspensions, Revocations and Denials of Renewal).

Section 130-22 of the Village Code is hereby amended as follows:

Subsection A is hereby amended to read as follows:

A. No person or legal entity shall operate or permit to be operated, on any premises in the Village, a valet business without a current valet license having been issued by the **Building Inspector**.

Subsection B is hereby amended to read as follows:

B. Notwithstanding that an applicant has not received any summonses or been found guilty of any violations of the New York State Vehicle and Traffic Law or the Village's ordinances and local laws, the **Building Inspector** shall not be precluded from the temporary suspension or revocation of a license, or the denial of a license or a renewal of a license, if there is sufficient evidence for the **Building Inspector** to believe that the applicant or the individuals who will be responsible for the business or the valet parking operations have not or will not comply with the conditions set forth in this section or with the laws, ordinances and regulations of the Village of Atlantic Beach and/or the State of New York.

Section 7. Amendment of § 130-23 (Appeals).

Section 130-23 of the Village Code is hereby amended to read as follows:

§ 130-23. Appeals.

Any determination of the **Building Inspector** under § 130-22 hereof is reviewable by the Board of Trustees, provided that a written letter of appeal is filed with the Village Clerk within 15 days after a written determination of the **Building Inspector** has been served upon the licensee/applicant in any manner permitted for personal service on an individual or corporation under the laws of the State of New York. In the event of a timely appeal, the Board of Trustees shall consider the matter under such due process standards as it shall promulgate and render its decision expeditiously.

Section 8. Amendment of § 130-25 (Designation of Responsible Representative).

Section 130-25 of the Village Code is hereby amended to read as follows:

§ 130-25. Designation of responsible representative.

As a condition of the grant or renewal of a valet operator's license, the applicant shall provide the name and phone number of a responsible representative of the valet company who is ready, willing and able to address any and all issues arising during the period of operations in an expeditious manner. **Such information shall be provided to the Building Inspector and to the Village Clerk, and shall be kept current at all times by the licensed valet company.**

Any change in the designated responsible representative or contact information shall be reported to the Building Inspector and the Village Clerk within five (5) business days of such change.

Section 9. General Amendment.

All other references to “Police Commissioner” in Article III of Chapter 130 of the Village Code that are not specifically addressed in the preceding sections of this local law are hereby amended to read “Building Inspector” where the context involves decision-making, approval authority, or operational and administrative functions. Additionally, all references to the “Village Clerk” in Article III of Chapter 130 pertaining to the issuance, administration, or processing of valet parking licenses are hereby amended to read “Building Inspector.”

Section 10. Transition Provisions.

A. Any valet parking license validly issued prior to the effective date of this local law shall remain in full force and effect for the remainder of its current term, subject to all conditions and requirements of Article III of Chapter 130 as amended herein.

B. Upon the effective date of this local law, the Building Inspector shall assume all oversight, administrative, and approval responsibilities previously held by the Police Commissioner with respect to any and all existing valet parking licenses, pending applications, and approved valet parking plans.

C. All records, files, approved valet parking plans, and other documents pertaining to valet parking licenses previously maintained by or on behalf of the Police Commissioner shall be transferred to the Building Inspector and, where applicable, to the Village Clerk’s office within thirty (30) days of the effective date of this local law.

Section 11. Valet Parking Plan Records.

The Village Clerk shall maintain a file of all approved valet parking plans, including any amendments thereto. Such file shall be available for public inspection during regular business hours at Village Hall. The Building Inspector shall ensure that a copy of each newly approved or amended valet parking plan is transmitted to the Village Clerk within ten (10) business days of approval.

Section 12. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 13. Effective Date.

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

A LOCAL LAW AMENDING CHAPTER 250 OF THE CODE OF THE VILLAGE OF ATLANTIC BEACH TO STRENGTHEN PROHIBITIONS AGAINST RESIDENTIAL DEVELOPMENT IN THE MARINE RECREATION DISTRICT

SECTION 1. NEW SECTION § 250-69.1 (Additional Legislative Findings Regarding Residential Use)

A new § 250-69.1 is hereby added immediately after § 250-69 to read as follows:

§ 250-69.1 Additional legislative findings regarding residential use.

The Board of Trustees of the Village of Atlantic Beach hereby finds and determines as follows:

1. **Establishment of the Marine Recreation District.** The Marine Recreation District (“MRD”) was established to preserve and protect designated waterfront areas within the Village for recreational use, including private and commercial beach clubs, bathing facilities, and swimming facilities. The MRD reflects a longstanding community determination that these waterfront parcels serve the public interest most effectively when devoted to recreational rather than residential purposes.
2. **Incompatibility of residential use.** Residential development within the MRD is fundamentally incompatible with the district’s recreational purpose and character. The introduction of residential occupancy into an area zoned exclusively for beach and recreational use would irreversibly alter the character of the district, create land use conflicts with existing beach club operations, and undermine the zoning scheme that has governed the MRD since its establishment.
3. **Public health, safety, and environmental concerns.** Properties within the MRD are located in coastal areas subject to flooding, storm surge, and other environmental hazards. Residential occupancy of structures in the MRD would expose inhabitants to significant safety risks, place additional demands on municipal emergency services, and create potential liability for the Village. The Board of Trustees finds that these risks are materially different from, and more severe than, the risks associated with the transient daytime recreational use for which the district was designed. The Board further finds that the existing legal nonconforming residential uses within the MRD—specifically, the gated townhouse complex known as Pebble Cove and the senior residential living facility known as the New Nautilus Hotel—predate current understanding of coastal hazards, current building and safety standards, and current floodplain management requirements. The existence of these nonconforming uses does not diminish the public safety concerns associated with new residential development; rather, the expansion of residential occupancy within the MRD would compound existing risk exposure and further strain emergency response capabilities.
4. **Infrastructure limitations.** The municipal infrastructure serving the MRD—including roads, utilities, water supply, and sanitary sewer capacity—was designed and scaled to

support seasonal, daytime recreational use. The existing legal nonconforming residential uses within the MRD already place demands on this infrastructure beyond its original design capacity. Additional residential occupancy would further exacerbate these demands and impose year-round burdens on infrastructure that was neither designed nor intended for expanded residential service levels.

5. **Neighborhood character.** The grant of any variance permitting residential use within the MRD would produce an undesirable change in the character of the neighborhood by introducing a use that is wholly inconsistent with the surrounding recreational uses and the expectations of adjacent property owners and beach club members.
6. **Substantiality of any residential variance.** Any variance permitting residential use in the MRD would constitute a substantial departure from the zoning scheme, as it would introduce a category of use that is diametrically opposed to the express purpose of the district. Such a variance would not represent a minor or incremental deviation but rather a fundamental change in the nature and character of the district.
7. **Detriment to the community.** The Board of Trustees finds that granting variances for residential use in the MRD would be detrimental to the public health, safety, and welfare of the Village, and would substantially impair the intent and purpose of the comprehensive zoning plan.
8. **Purpose.** The findings set forth in this section are enacted to clarify and reinforce the original legislative intent of the Marine Recreation District, to provide clear guidance to the Building Inspector, Plans Examiner, and Board of Zoning Appeals regarding the application of the zoning code within the MRD, and to protect the health, safety, and welfare of the residents of the Village of Atlantic Beach.
9. **Legal nonconforming residential uses.** The Board of Trustees acknowledges that there are existing legal nonconforming residential uses within the MRD, specifically the gated townhouse complex known as Pebble Cove and the senior residential living facility known as the New Nautilus Hotel, which were lawfully established prior to this Local Law and are entitled to the protections afforded to legal nonconforming uses under § 250-75 and Article II of this chapter. Nothing in this Local Law is intended to impair, diminish, or otherwise affect the rights of the owners or occupants of these legally established nonconforming uses, including their right to continue such uses and to seek area variances related to the maintenance, repair, or modification of existing structures in accordance with applicable law. The existence of these nonconforming uses, however, does not establish a precedent for, or justify the approval of, any new residential use within the MRD. The Board of Trustees finds that permitting additional residential development beyond these existing nonconforming uses would cumulatively increase the incompatibility of uses within the district, further strain municipal infrastructure, and progressively erode the recreational character that the MRD was established to preserve.

SECTION 2. AMENDMENT TO § 250-72 (Permitted Uses)

§ 250-72 is hereby amended to read as follows:

§ 250-72 Permitted uses.

A building or structure may be erected, altered or used and a lot or premises may be used for the following purposes and no other:

A. Private or commercial beach clubs, excluding day camps, no part of which shall be designed or used for lodging or sleeping or any form of residential occupancy. For purposes of this section, the exclusion of day camps shall not prohibit a beach club from offering supervised recreational activities for children of its members and their guests as an amenity incidental to the primary beach club use, provided such activities are not offered on a separate enrollment or fee basis to the general public.

B. Private or commercial bathing and swimming facilities, including cabanas and lockers, no part of which shall be designed or used for lodging or sleeping or any form of residential occupancy.

C. **Prohibited uses.** Notwithstanding any other provision of this chapter or any prior interpretation thereof, the following uses are expressly prohibited in the Marine Recreation District:

(1) Any residential use, including but not limited to:

- (a) Single-family dwellings
- (b) Two-family dwellings
- (c) Multi-family dwellings
- (d) Townhouses or condominiums
- (e) Apartments or residential units of any kind
- (f) Mobile homes, manufactured homes, or recreational vehicles used for residential purposes
- (g) Accessory dwelling units
- (h) Caretaker residences or quarters
- (i) Live-work units
- (j) Artist lofts or studio residences
- (k) Dormitories or group living facilities
- (l) Overnight lodging facilities, including hotels, motels, inns, bed and breakfasts, or short-term rental accommodations

(2) Any structure or portion of a structure containing:

- (a) Sleeping quarters or bedrooms
- (b) Kitchen facilities in individual cabanas or lockers, except as specifically permitted under § 250-74J
- (c) Full bathrooms with bathing facilities (excluding showers in cabanas and lockers as specifically permitted under § 250-74J)
- (d) Living accommodations of any nature

(3) Any use that would result in overnight occupancy or habitation of any structure or premises within the district.

(4) The prohibitions set forth in this subsection shall not affect the legal nonconforming status of the New Nautilus Hotel as set forth in § 250-69.1(9) and § 250-75.

SECTION 3. AMENDMENT TO § 250-73 (Accessory Uses)

§ 250-73 is hereby amended by adding the following subsection:

“Notwithstanding any determination by the Building Inspector or Plans Examiner or any grant of special exception by the Board of Zoning Appeals, no accessory use shall include, permit, or facilitate any residential use, residential occupancy, overnight lodging, or sleeping accommodations of any kind, including but not limited to caretaker residences, employee housing, or any other form of dwelling unit. The Building Inspector, Plans Examiner, and the Board of Zoning Appeals shall not approve any accessory use that contains, permits, or could reasonably be converted to residential use.”

SECTION 4. AMENDMENT TO § 250-74 (Restrictions on Uses)

Add the following new subsection § 250-74F.1 immediately after § 250-74F:

F.1 Special exceptions — residential use prohibition.

Based upon the legislative findings set forth in § 250-69.1, the Board of Trustees finds that the grant of any special exception, special use permit, or conditional use permit for any residential use, residential occupancy, overnight lodging, sleeping accommodations, or any use enumerated in § 250-72C within the Marine Recreation District would be inconsistent with the legislative purpose and intent of the district, would produce an undesirable change in the character of the neighborhood, and would be detrimental to the public health, safety, and welfare. The Board of Zoning Appeals shall consider and apply these legislative findings when evaluating any application for a special exception within the Marine Recreation District.

SECTION 5. NEW SECTION § 250-74.2 (Prohibition on Residential Development)

A new § 250-74.2 is hereby added immediately after § 250-74.1 to read as follows:

§ 250-74.2 Prohibition on residential development.

A. General prohibition.

No building, structure, cabana, locker, or any other improvement within the Marine Recreation District shall be designed, constructed, altered, maintained, or used for any residential purpose or overnight human habitation. This prohibition is absolute and mandatory.

For purposes of this section:

“Residential use” means any use of land or structures for human habitation, dwelling purposes, or overnight occupancy, including but not limited to all uses enumerated in § 250-72C(1).

“Overnight occupancy” means sleeping, residing in, or inhabiting a structure for any period, or using a structure as a dwelling place. For clarity, this prohibition does not apply to: (i) permitted beach club events and parties as authorized under § 250-74M; (ii) emergency shelter situations; or (iii) brief late-night presence at beach clubs in connection with permitted activities, provided no sleeping or habitation occurs.

B. Legislative findings regarding variances.

The Board of Trustees, based upon the findings set forth in § 250-69.1, hereby determines and declares that the grant of any use variance or area variance that would permit, facilitate, or enable new residential use within the Marine Recreation District would:

- (1) Produce an undesirable change in the character of the neighborhood and be detrimental to nearby properties, which are devoted to recreational use;
- (2) Constitute a substantial departure from the zoning scheme applicable to the Marine Recreation District, as residential use is diametrically opposed to the district’s express recreational purpose;
- (3) Create adverse impacts on the physical and environmental conditions in the neighborhood, including increased flood risk exposure, strain on infrastructure not designed for residential service, and incompatibility with existing recreational operations;
- (4) Require, before any claim of economic hardship is considered, that the applicant demonstrate the permitted recreational uses available within the district have been fully explored and exhausted; and
- (5) Be detrimental to the public health, safety, and welfare of the Village, and would substantially impair the intent and purpose of the comprehensive zoning plan.

The Board of Zoning Appeals shall consider and apply these legislative findings when evaluating any variance application relating to residential use within the Marine Recreation District. Nothing in this subsection shall be construed to eliminate or diminish the Board of Zoning Appeals’ jurisdiction under Village Law § 7-712-b to hear and determine variance applications; rather, these findings are provided to guide the Board of Zoning Appeals in applying the statutory variance criteria established by state law.

This subsection shall not affect the rights of owners of legal nonconforming residential uses under Article II of this chapter, including but not limited to applications for area variances relating to the expansion of legal nonconforming buildings pursuant to § 250-4C.

C. Design and construction standards.

No building permit shall be issued for any structure unless the Building Inspector or Plans Examiner determines that:

- (1) The structure is physically incapable of residential conversion without substantial reconstruction;
- (2) The structure contains no bedrooms, sleeping areas, or overnight accommodation facilities;
- (3) Kitchen facilities in individual cabanas or lockers, if any, are limited to those expressly permitted under § 250-74J (kitchen sink, microwave, and refrigerator only). Commercial kitchen and food service facilities are permitted in beach club buildings and structures for the purpose of serving beach club members and guests, and such facilities shall be designed and operated as commercial food service operations and not for residential meal preparation;
- (4) Plumbing facilities are limited to those necessary for showering and dressing in conjunction with beach and pool use as specified in § 250-74J, or for commercial food service and club operations.

D. Monitoring and enforcement.

- (1) The Building Inspector and Plans Examiner shall have the authority to inspect any structure in the Marine Recreation District at reasonable times to ensure compliance with this prohibition.
- (2) Any structure found to be used for residential purposes shall constitute a violation subject to the penalties set forth in § 250-124 of this chapter and any other applicable provisions.
- (3) Each day that a violation continues shall constitute a separate offense.
- (4) Evidence of residential use may include but is not limited to: overnight occupancy, utility usage patterns consistent with residential occupancy, furnishings or equipment typical of residential use, mail delivery, or any indication of habitation. *The Building Inspector shall exercise reasonable professional judgment in evaluating complaints and shall not conduct repeated inspections of the same premises based on unsubstantiated complaints.*

E. Severability.

If any court of competent jurisdiction determines that this prohibition cannot be applied to a specific property due to constitutional protections for existing vested rights, such determination shall not affect the application of this prohibition to any other property within the Marine Recreation District.

F. No grandfathering of informal approvals.

No prior approval, interpretation, or informal understanding shall be construed to permit residential use in violation of this section, except as expressly provided in § 250-75 and Article II for legally established nonconforming residential uses existing as of the effective date of this Local Law. Any prior approval or interpretation that purported to permit new residential use, other than the legal nonconforming residential uses recognized in § 250-75 and Article II, is hereby superseded and rendered void to the extent it conflicts with this prohibition. This subsection shall not affect the protection of legal nonconforming residential uses as set forth in § 250-75 and Article II.

SECTION 6. AMENDMENT TO § 250-74J (Cabanas and Lockers)

§ 250-74J is hereby amended to read as follows:

J. Cabanas and lockers. Cabanas and lockers shall not exceed eight feet in height and 700 cubic feet in total size. Such units may be equipped with the following appliances and appointments: lavatory, shower, kitchen sink, microwave, and refrigerator and no other and shall only be used for the purposes of showering and dressing in conjunction with the use of the ocean, swimming pool or other club facilities. No cabana or locker shall contain any bedroom, sleeping area, bed, couch or other furniture suitable for sleeping, or any other feature that would facilitate overnight occupancy or residential use. No cabana or locker shall be designed or constructed in a manner that would permit or facilitate conversion to residential use. Individual cabanas and lockers shall not contain stoves, ovens, ranges, cooktops, or cooking appliances beyond a kitchen sink, microwave, and refrigerator, regardless of whether such cabana or locker is located at a beach club that has commercial kitchen facilities in its main building. The Building Inspector or Plans Examiner may use any reasonable means to determine that the above-limited uses are being complied with, including the requirement of the submission by the beach club owner of an affidavit stating that the statutory requirements are being complied with and that the cabana or locker is not being used for any residential purpose or overnight occupancy.

SECTION 7. AMENDMENT TO § 250-74 (Restrictions on Uses) — Parking Configuration

Add the following new subsection § 250-74F.2 immediately after § 250-74F.1:

F.2 Parking configuration in the Marine Recreation District.

(1) Tandem and stacked parking prohibited without site plan approval. No tandem parking, stacked parking, or any other parking arrangement that increases the effective vehicle capacity of a parking area beyond the number of individually accessible, standard-sized spaces shall be established, operated, or maintained on any premises within the Marine Recreation District unless and until the Board of Trustees has approved a site plan for such arrangement pursuant to § 250-112.

(2) Site plan review criteria. In reviewing any site plan application for a parking configuration described in subsection (1), the Board of Trustees shall consider, in addition to the criteria set forth in § 250-112:

- (a) Whether the proposed parking arrangement is consistent with the permitted recreational use of the premises and the character of the Marine Recreation District;

- (b) The impact of the proposed arrangement on traffic circulation, pedestrian safety, and emergency vehicle access within the district;
- (c) Whether the increased parking capacity would result in an intensity of use that exceeds what is appropriate for the district; and
- (d) Whether the applicant has explored the use of off-site parking, including parking available through lease from the Village, as an alternative to on-site intensification.

(3) Legislative findings. The Board of Trustees finds that tandem, stacked, and other parking arrangements that increase effective vehicle capacity beyond individually accessible spaces in the Marine Recreation District raise concerns regarding traffic circulation on narrow district roadways, pedestrian safety in areas with heavy seasonal foot traffic, emergency vehicle access to oceanfront properties, and the potential intensification of use beyond what the district's infrastructure and recreational character were designed to accommodate. These findings support the requirement of Board of Trustees site plan approval for such arrangements.

(4) Existing arrangements. Any tandem, stacked, or other parking arrangement described in subsection (1) in operation within the Marine Recreation District as of the effective date of this Local Law without prior site plan approval from the Board of Trustees shall be subject to review. The operator of any such arrangement shall submit a site plan application to the Board of Trustees within one hundred twenty days of the effective date of this Local Law. The Board of Trustees may, in its discretion, approve, modify, or deny the continuation of any such arrangement.

SECTION 8. SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Local Law, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder of this Local Law or the application thereof to other persons or circumstances. The Board of Trustees hereby declares that it would have enacted each and every remaining section, subsection, clause, phrase, and provision of this Local Law even if any one or more sections, subsections, clauses, phrases, or provisions were declared invalid.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York, as provided by law.

A LOCAL LAW AMENDING SECTION 250-124 OF THE CODE OF THE VILLAGE OF ATLANTIC BEACH TO UPDATE PENALTIES FOR ZONING VIOLATIONS

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE

The Board of Trustees of the Village of Atlantic Beach hereby finds and determines as follows:

- 1.** The existing penalty provisions in § 250-124 of the Village Code were established at levels that no longer provide an adequate deterrent against zoning violations. The maximum fine of \$350 for a first offense and \$1,000 for a third or subsequent offense is insufficient to discourage violations by property owners, developers, contractors, and others who may view such penalties as a minor cost of doing business.
- 2.** The Board of Trustees finds that effective enforcement of the Village's zoning regulations is essential to preserving neighborhood character, protecting property values, ensuring public safety, and maintaining the quality of life that residents of Atlantic Beach expect and deserve.
- 3.** The Board of Trustees further finds that treating each day of a continued violation as a separate offense, rather than each week, is more consistent with the enforcement approach adopted in other provisions of the Village Code, including § 250-108(M)(5) regarding transient occupancy, and will provide a more meaningful incentive for prompt compliance.
- 4.** This Local Law is enacted to update the penalty structure for zoning violations Village-wide, to strengthen the Village's ability to enforce its zoning regulations, and to bring the penalty provisions into alignment with current enforcement needs.

SECTION 2. AMENDMENT TO § 250-124 (Penalties for Offenses)

§ 250-124 is hereby amended to read in its entirety as follows:

§ 250-124 Penalties for offenses.

For each and every violation of any provision of this chapter, the following individuals shall be guilty of an offense: the owner, general agent, or contractor of the building or premises where such violation has occurred or continues to exist; the lessee or tenant of an entire building or entire premises where such violation has occurred or continues to exist; or the owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which such violation has occurred or continues to exist. Additionally, any general agent, architect, builder, contractor, or other person who knowingly commits, participates in, assists in, or maintains a building or premises where any violation exists shall also be guilty of an offense.

Penalties:

First offense: Upon conviction, the offender shall be subject to a fine of not less than \$500 nor more than \$1,000, or imprisonment for a term not exceeding six months, or both.

Second offense (committed within five years of the first): Upon conviction, the offender shall be subject to a fine of not less than \$1,000 nor more than \$2,000, or imprisonment for a term not exceeding six months, or both.

Third or subsequent offense (committed within five years of the prior offenses): Upon conviction, the offender shall be subject to a fine of not less than \$2,000 nor more than \$5,000, or imprisonment for a term not exceeding six months, or both.

For jurisdictional purposes, violations of this article or chapter shall be deemed misdemeanors, and all applicable laws governing misdemeanors shall apply.

Each day that a violation continues shall constitute a separate and distinct offense, subject to additional penalties as prescribed herein.

Upon a second conviction for any violation of provisions regulating the use of private trailers and housecars, the Building Inspector shall immediately rescind any related permit.

SECTION 3. SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Local Law, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder of this Local Law or the application thereof to other persons or circumstances. The Board of Trustees hereby declares that it would have enacted each and every remaining section, subsection, clause, phrase, and provision of this Local Law even if any one or more sections, subsections, clauses, phrases, or provisions were declared invalid.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York, as provided by law.