

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH AUTHORIZING A HOME RULE REQUEST TO THE NEW YORK STATE (“NYS”) LEGISLATURE FOR AN AMENDMENT OF ARTICLE TWO OF NYS VILLAGE LAW TO REQUIRE PETITIONERS FOR VILLAGE INCORPORATION, AND THE TOWN SUPERVISOR ON BEHALF OF THE AREA OF TOWN REMAINING UNINCORPORATED, TO PREPARE AND FILE COMMUNITY IMPACT STATEMENTS WITH THE TOWN CLERK BEFORE A PETITION FOR VILLAGE INCORPORATION IN THE TOWN MAY BE CIRCULATED; AND TO REQUIRE THAT A NEW VILLAGE ONLY BE APPROVED FOR INCORPORATION UPON THE MAJORITY VOTE OF QUALIFIED TOWN VOTERS AFTER A FINDING BY THE TOWN BOARD THAT NO SIGNIFICANT ADVERSE IMPACTS WILL OCCUR WITHIN THE TERRITORY PROPOSED TO BE INCORPORATED OR THE AREA REMAINING UNINCORPORATED, UPON INCORPORATION

WHEREAS, from time to time persons residing within territories of the Town of Greenburgh circulate petitions to form incorporated villages within the Town; and

WHEREAS, Article 2 of NYS Village Law permits persons residing in such territories containing a population of at least five hundred persons who are regular inhabitants of such territories to circulate petitions for village incorporation in a Town when, among other things, such territories do not include a part of a city or village and do not contain more than five square miles; and

WHEREAS, the Town Board believes that in addition to the existing requirements for village incorporation, before a petition for incorporation may be circulated, it is in the best interest of Town residents to require that separate community impact statements be prepared and filed by petitioners for the territory to be incorporated, and by the Town Supervisor on behalf of the area of the Town remaining unincorporated, which statements for each area should include (1) a proposed five year operating budget; (2) a proposed five year capital budget; (3) a description of the services that would be provided by the proposed village; (4) a description of any deficiency in services provided by the Town and the manner in which the incorporation would remedy the deficiency; (5) the estimated real property tax impact for a five year period on each territory; (6) the population, demographic, socio-economic and environmental impacts on each territory and (7) the impact of the anticipated land use and infrastructure needs within each territory; and

WHEREAS, the Town Board also believes that it is in the best interests of the Town to increase the number of regular inhabitants of such territories permitted to petition for village incorporation from a population of at least five hundred persons to a population of at least one thousand persons who are regular inhabitants of such territories;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby requests that the New York State Legislature amend Article Two of NYS Village Law to require that community impact statements by petitioners for incorporation, and by the Town Supervisor on behalf of the area of the Town remaining unincorporated, be prepared and filed with the Town Clerk before a petition for incorporation of a village in the Town may be circulated; and that a new village only be incorporated upon the majority vote of qualified Town voters upon a finding by the Town Board that no significant adverse impacts will occur within the territory to be incorporated or the territory remaining unincorporated as a result of incorporation.