

4461--B

2013-2014 Regular Sessions

I N   S E N A T E

April 3, 2013

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the tax law, in relation to creating the Eastchester creek intermunicipal economic revitalization agency; and to repeal certain provisions of the general municipal law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Title 119 of article 15-B of the general municipal law is  
2     REPEALED and a new title 119 is added to read as follows:

3                                 TITLE 119

4                                 EASTCHESTER CREEK

5                                 INTERMUNICIPAL ECONOMIC REVITALIZATION AGENCY

6     SECTION 680-F. EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC REVITALIZATION  
7                                 AGENCY.

8     S 680-F. EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC REVITALIZATION  
9     AGENCY. (A) FOR THE BENEFIT OF THE CITY OF MOUNT VERNON AND THE VILLAGE  
10    OF PELHAM MANOR AND THE INHABITANTS THEREOF, A COMMUNITY DEVELOPMENT  
11    AGENCY, TO BE KNOWN AS THE EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC  
12    REVITALIZATION AGENCY, IS HEREBY ESTABLISHED FOR THE ACCOMPLISHMENT OF  
13    ANY OR ALL OF THE PURPOSES SPECIFIED IN ARTICLES FIFTEEN AND FIFTEEN-A  
14    OF THIS CHAPTER. IT SHALL CONSTITUTE A BODY CORPORATE AND POLITIC, AND  
15    BE PERPETUAL IN DURATION. IT SHALL HAVE THE POWERS AND DUTIES NOW OR  
16    HEREAFTER CONFERRED BY ARTICLES FIFTEEN AND FIFTEEN-A OF THIS CHAPTER  
17    UPON COMMUNITY DEVELOPMENT AGENCIES AND PROVIDED THAT THE EXERCISE OF  
18    THE POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF REAL PROP-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 ERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, SHALL BE LIMITED TO  
2 THE AREA DEFINED AS THE EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC REVI-  
3 TALIZATION AREA AND SUCH AGENCY SHALL TAKE INTO CONSIDERATION THE LOCAL  
4 ZONING AND PLANNING REGULATIONS AS WELL AS THE REGIONAL AND LOCAL  
5 COMPREHENSIVE LAND USE PLANS IN ANY ACTIONS THEY TAKE. IT SHALL BE  
6 ORGANIZED IN A MANNER PRESCRIBED BY AND BE SUBJECT TO THE PROVISIONS OF  
7 ARTICLES FIFTEEN AND FIFTEEN-A OF THIS CHAPTER AND THE INTERMUNICIPAL  
8 AGREEMENT SIGNED BY BOTH MUNICIPALITIES. ITS MEMBERS SHALL CONSIST OF  
9 THE MAYOR OF THE CITY OF MOUNT VERNON AND THE MAYOR OF THE VILLAGE OF  
10 PELHAM MANOR. THE AGENCY, ITS MEMBERS AND OFFICERS AND ITS OPERATIONS  
11 AND ACTIVITIES SHALL IN ALL OTHER RESPECTS BE GOVERNED BY THE PROVISIONS  
12 OF ARTICLES FIFTEEN AND FIFTEEN-A OF THIS CHAPTER AND THE INTERMUNICIPAL  
13 AGREEMENT SIGNED BY BOTH MUNICIPALITIES. PROVIDED, HOWEVER, THAT THE  
14 EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC REVITALIZATION AGENCY SHALL  
15 DEFER TO THE RESPECTIVE VILLAGE OR CITY ON ZONING AND LAND USE LAWS AND  
16 DETERMINATIONS AND OTHER MUNICIPAL REGULATORY CHANGES.

17 (B) THE AREA DEFINED AS THE EASTCHESTER CREEK INTERMUNICIPAL ECONOMIC  
18 REVITALIZATION AREA SHALL CONSIST OF (I) THAT PORTION OF THE CITY OF  
19 MOUNT VERNON, APPROXIMATELY TWO HUNDRED THIRTY-ONE ACRES IN SIZE, WHICH  
20 IS BOUNDED BY SANDFORD BOULEVARD ON THE NORTH, THE CITY OF NEW YORK ON  
21 THE SOUTH, SOUTH THIRD AVENUE ON THE WEST AND THE HUTCHINSON RIVER  
22 (EASTCHESTER CREEK OR CANAL) ON THE EAST, AND (II) THAT PORTION OF THE  
23 VILLAGE OF PELHAM MANOR, TRIANGULAR IN SHAPE, WHICH IS BOUNDED BY THE  
24 HUTCHINSON RIVER (EASTCHESTER CREEK OR CANAL) ON THE WEST, THE HUTCHIN-  
25 SON RIVER PARKWAY ON THE EAST AND THE CITY OF NEW YORK ON THE SOUTH.

26 S 2. The tax law is amended by adding a new section 1210-f to read as  
27 follows:

28 S 1210-F. SALES AND COMPENSATING USE TAX FOR PURPOSES OF THE EASTCHES-  
29 TER CREEK INTERMUNICIPAL ECONOMIC REVITALIZATION AREA. FOR THE PURPOSE  
30 OF ESTABLISHING A UNIFORM TAX RATE WITHIN THE EASTCHESTER CREEK INTERMU-  
31 NICIPAL ECONOMIC REVITALIZATION AREA, THE VILLAGE OF PELHAM MANOR IS  
32 HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDI-  
33 NANCES OR RESOLUTIONS IMPOSING WITHIN THE TERRITORIAL LIMITS OF THAT  
34 PORTION OF THE VILLAGE OF PELHAM MANOR WHICH IS WITHIN THE EASTCHESTER  
35 CREEK INTERMUNICIPAL ECONOMIC REVITALIZATION AREA ADDITIONAL SALES AND  
36 COMPENSATING USE TAXES AT THE RATE NECESSARY FROM TIME TO TIME TO EQUAL-  
37 IZE THE RATE OF SUCH TAXES IN THAT AREA WITH THE RATE OF SUCH TAXES IN  
38 THE CITY OF MOUNT VERNON. EXCEPT AS HEREINAFTER PROVIDED, ALL PROVISIONS  
39 OF THIS ARTICLE, INCLUDING THE DEFINITION AND EXEMPTION PROVISIONS AND  
40 THE PROVISIONS RELATING TO THE ADMINISTRATION, COLLECTION AND DISTRIB-  
41 UTION BY THE COMMISSIONER, SHALL APPLY FOR PURPOSES OF THE TAXES AUTHOR-  
42 IZED BY THIS SECTION IN THE SAME MANNER AND WITH THE SAME FORCE AND  
43 EFFECT AS IF THE LANGUAGE OF THIS ARTICLE HAD BEEN INCORPORATED IN FULL  
44 IN THIS SECTION AND HAD EXPRESSLY REFERRED TO THE TAXES AUTHORIZED BY  
45 THIS SECTION; PROVIDED, HOWEVER, THAT ANY PROVISION RELATING TO A MAXI-  
46 MUM RATE SHALL BE CALCULATED WITHOUT REFERENCE TO THE RATE OF ADDITIONAL  
47 SALES AND COMPENSATING USE TAXES HEREIN AUTHORIZED. FOR PURPOSES OF PART  
48 IV OF THIS ARTICLE, RELATING TO THE DISPOSITION OF REVENUES RESULTING  
49 FROM TAXES COLLECTED AND ADMINISTERED BY THE COMMISSIONER, THE ADDI-  
50 TIONAL SALES AND COMPENSATING USE TAXES AUTHORIZED BY THIS SECTION  
51 IMPOSED UNDER THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS  
52 SUBPART AND ALL PROVISIONS RELATING TO THE DEPOSIT, ADMINISTRATION AND  
53 DISPOSITION OF TAXES, PENALTIES AND INTEREST RELATING TO TAXES IMPOSED  
54 BY A COUNTY UNDER THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS  
55 SUBPART SHALL, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, APPLY TO  
56 THE ADDITIONAL SALES AND COMPENSATING USE TAXES AUTHORIZED BY THIS

1 SECTION, PROVIDED, HOWEVER, THAT ALL TAXES, PENALTIES AND INTEREST  
2 IMPOSED BY THE VILLAGE OF PELHAM MANOR UNDER THE AUTHORITY OF THIS  
3 SECTION WHICH ARE COLLECTED BY THE COMMISSIONER SHALL BE DEPOSITED AS  
4 PROVIDED IN SECTION TWELVE HUNDRED SIXTY-ONE OF THIS ARTICLE, SHALL BE  
5 HELD IN TRUST BY THE COMPTROLLER FOR THE BENEFIT OF THE VILLAGE OF  
6 PELHAM MANOR AS PROVIDED THEREIN AND, AFTER RESERVING SUCH REFUND FUND  
7 AND SUCH COSTS AS ARE PROVIDED FOR THEREIN, SHALL BE PAID TO THE APPRO-  
8 PRIATE FISCAL OFFICER OF THE VILLAGE OF PELHAM MANOR IN THE SAME MANNER  
9 AS IS PROVIDED THEREIN FOR PAYMENT TO THE FISCAL OFFICERS OF THE OTHER  
10 TAXING JURISDICTIONS PROVIDED FOR THEREIN.

11 S 3. This act shall take effect immediately.