§ 281. Procedure. 1. Petition. Such petition for the establishment of a residential or a residential and recreational area for such purpose or purposes shall be signed by at least twenty owners of taxable real property situate within the proposed area owning in the aggregate at least two-thirds of the assessed valuation of all the taxable real property in the proposed area as shown on the last completed assessment role of said village or town; provided, however, that if there be any resident owners, the petition shall also include the signatures of resident owners owning taxable real property aggregating at least two-thirds of the assessed valuation of all taxable real property in the proposed area owned by such resident owners, according to the last completed assessment roll of the village or town. If a portion only of a parcel of such real property appearing upon the assessment roll is situate within the proposed area then the village board or the town board may determine the relative value of the part thereof within the proposed area based upon the valuation of the entire parcel as the same appears upon such assessment roll.

A proposal to extend such an existing area may relate to any area of land adjoining such an existing area and may be made by petition signed by any number of owners of taxable real property situate within the area of the proposed extension provided that such owners own in the aggregate at least two-thirds of the assessed valuation of all the taxable real property in the proposed extension as shown on the last completed assessment roll of said village or town; and further provided, that if there be any resident owners, the petition shall also include the signatures of resident owners owning taxable real property aggregating at least two-thirds of the assessed valuation of all taxable real property in the proposed extension owned by such resident owners, according to the last completed assessment roll of the village or town. The petition requesting the extension of an existing area shall contain a statement requesting that the village board or the town board adopt an ordinance or local law containing the same terms and provisions as contained in the ordinance or local law for the existing area. The ordinance or local law adopted by the village board and the town board effecting such extension shall contain the same terms and provisions as the ordinance or local law which established the existing area and any

amendments thereof shall apply to both the existing area and to such areas as are extended from time to time.

A petition shall describe the boundaries of the proposed area or proposed extension of an existing area in a manner sufficient to identify the lands included therein as in a deed of conveyance, and shall be signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded. Such petition shall contain a statement of the uses of real property for industrial and commercial purposes which petitioners seek to have prohibited, restricted, regulated or controlled in the proposed area or proposed extension of an existing area, or, in the alternative, a statement that petitioners seek to limit the use of all real property within the proposed area or proposed extension of an existing area to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes.

2. Notice of hearing on petition. Whenever a petition shall be presented to the village board or to the town board pursuant to this article for the establishment or extension of a residential or residential and recreational area, the board shall adopt a resolution and enter the same in the minutes of its proceedings, reciting in general terms the filing of such petition, the boundaries of the proposed area or proposed extension, a statement of the uses of real property for industrial and commercial purposes which are proposed to be prohibited, restricted, regulated and controlled, or, a statement that it is proposed to limit the use of all real property to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes, within said proposed area or proposed extension and specifying the time when and place where said board will meet to consider the petition and to hear all persons interested in the subject thereof. The board shall cause a copy of such resolution, certified by the clerk, to be published at least once in the official newspaper of the village or town, as the case may be, the first publication thereof to be not less than ten nor more than twenty days before the date set therein for the hearing as aforesaid, and shall also cause a copy thereof to be posted conspicuously in the office of the

village clerk or on the signboard maintained by the town clerk pursuant to subdivision six of section thirty of the town law, as the case may be, not less than ten nor more than twenty days before the day designated for the hearing as aforesaid. In the event that the village or the town maintains a website, such information may also be provided on the website. The board also shall cause a copy of such resolution to be mailed by registered mail, return receipt requested, to each resident owner of real property within the proposed area or extension who or which has not signed the petition and to each non-resident owner of real property therein who or which has not signed the petition and who or which in the case of a town has filed with the town clerk a written demand pursuant to section five hundred eight of the real property tax law or a notice pursuant to section nine hundred eighty-two of the real property tax law, or who or which in the case of a village has filed with the village clerk a written demand pursuant to section fourteen hundred four of the real property tax law. The copy of such resolution shall be so mailed not less than ten nor more than twenty days before the day designated for the hearing as aforesaid, to such resident and non-resident owner at the address designated in such written demand or in such notice.

3. Establishment or extension of areas. (a) After a hearing held upon notice as hereinbefore provided, the board shall determine by resolution:

(1) Whether the petition is signed and acknowledged or proved as required by law and is otherwise sufficient.

(2) Whether any part or portion of the real property within the proposed area or proposed extension should not be included therein.

(3) Whether it is in the overall public interest to grant the relief sought.

(b) (1) If the board shall determine that the petition is not signed and acknowledged or proved as required by law or that it is otherwise insufficient, or if it is determined that it be not in the overall public interest to grant the relief sought, the board shall deny the petition.

(2) If the board shall determine that the petition is signed and acknowledged or proved as required by law and is otherwise sufficient

and that it is in the overall public interest to grant the relief sought but shall find that any part or portion of the real property within the proposed area or proposed extension should not be included therein, the board shall alter and revise the boundaries of the originally proposed area or originally proposed extension of an existing area so as to exclude therefrom any real property which it finds should not be included in such proposed area or proposed extension.

(3) If and when the board shall make such an affirmative determination, the board may adopt an ordinance or local law establishing an area or extending an existing area as the boundaries thereof shall have been finally determined by said board. Such ordinance or local law may prohibit, restrict, regulate and control the use of all buildings, structures and land within such area as established or extended for any industrial or commercial purpose, or, in the alternative, may limit the use of all buildings, structures and land within such area as established or extended to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes; provided, however, that no such ordinance or local law shall be adopted unless the petition shall comply with the requirements of this article as to the sufficiency of the area proposed to be zoned and of signers within the boundaries of the proposed area or proposed extension as finally determined by the board. Such ordinance or local law shall not apply to a non-conforming use in existence at the time of the effective date of such ordinance or local law.