

PUBLIC INFORMATION RELEASE
REGARDING THE FILING OF LITIGATION
CONCERNING THE TOWN OF MONROE
AND VILLAGE OF KIRYAS JOEL
ANNEXATION PROCEEDINGS IN ORANGE COUNTY, NEW YORK

This past Friday in Orange County, New York several concerned municipalities and others commenced litigation challenging the Annexation of land from the Town of Monroe into the Village of Kiryas Joel. The Petitioners in this lawsuit are the Village of South Blooming Grove, Town of Blooming Grove, Village of Monroe, Village of Woodbury, Town of Woodbury, Village of Harriman, Village of Cornwall-on-Hudson, Town of Cornwall, County of Orange (on behalf of itself and Orange County Sewer District No. 1), Town of Chester, Monroe Joint Fire District, and The Black Rock Fish and Game Club of Cornwall, Inc.

The Petitioners are providing this joint informational release to advise the press and the general public of why this litigation is being brought. Since the matter is now in litigation, there can be no other comments made by the Petitioners or their representatives at this time.

On behalf of all Petitioners, Lead Litigation Attorney, Philip E. Karmel of Bryan Cave LLP noted as follows in regard to this litigation:

“New York State law requires a thorough examination of the potential significant environmental impacts of adding land to an annexing municipality that intends to rezone the land to encourage rapid, intensive development. Unfortunately, the Environmental Impact Statement that the Village of Kiryas Joel prepared failed to study these potential impacts and was fundamentally deficient. Even the environmental consultant for the Town of Monroe, which approved the 164-acre annexation petition, acknowledged that the Village's Environmental Impact Statement ("EIS") was flawed and inadequate, requiring a Supplemental EIS. But the time to study a proposed action's environmental impacts is before the action is taken, not afterwards. As a result of the deficiencies in the EIS, critical alternatives and meaningful mitigation measures regarding the proposed annexation were not identified, exacerbating the environmental damage that will result from the proposed annexation and extensive, rapid development that the Village of Kiryas Joel is planning in the areas it proposes to annex. Additionally, the annexation process was procedurally deficient in several respects which may require annulling the decision to annex the subject property. Every municipality has a right to rely on all laws being followed when neighboring municipalities undertake substantial governmental actions, such as an annexation, because such actions have far-reaching impacts. This is especially true with respect to laws protecting the environment. These and other important issues are now before the Court to be addressed.”

On behalf of the individual Petitioners, the following statements have been provided:

Statement from Mayor Robert Jeroloman of the Village of South Blooming Grove: *“The Village Board of the Village of South Blooming Grove will continue to take any and all appropriate steps to protect our residents and their rights. The Village of Kiryas Joel has previously affirmed in writing, that our region has a limited supply of potable water and has further affirmed that Kiryas Joel draws water from the same primary aquifer as our Village. However, Kiryas Joel, as Lead Agency, failed to take the required “hard look” at these vital water issues as well as other environmental issues concerning the proposed Annexation. This litigation is a matter of necessity to safeguard our residents’ rights concerning the many environmental and other substantial errors that occurred in this flawed Annexation process.”*

Statement from Supervisor Robert A. Fromaget of the Town of Blooming Grove: *“The environmental review of the proposed annexation of land from the Town of Monroe into the Village of Kiryas Joel was fundamentally inadequate in that it failed to acknowledge and analyze the growth-inducing potential of the proposed annexations and the impact significant population growth would have on, among other things, traffic, water consumption, and sewer resources in Orange County. The Town of Blooming Grove is pleased to be a part of the broad municipal coalition commencing this law suit to ensure that decisions that will have a significant impact on the growth and development of Orange County receive the proper consideration and analysis as required under New York law.”*

Statement from Mayor James C. Purcell of the Village of Monroe: *“As Mayor, I and the Board of Trustees have always taken a strong stance to protect the interests of the Village of Monroe residents. The annexations agreed to by Kiryas Joel and the Town of Monroe pose substantial and unmitigated impacts to our residents. The environmental review done by Kiryas Joel does not comply with State Law. We challenge their environmental review and the annexation votes in this litigation to ensure that the true environmental impacts are identified and studied, and no annexation is allowed that is not proper. This is a joint effort by a strong coalition of the affected municipalities who are demanding that the law be applied equally to all.”*

Statement from Mayor Michael Queenan of the Village of Woodbury: *“Litigation is a matter of last resort to correct wrongs. Despite the many environmental issues identified by the Village of Woodbury in this annexation process, those serious issues were neither identified, studied nor responsibly addressed. Therefore, this matter is before the Court to resolve. The good people in our Village of Woodbury deserve to have their rights protected. I hope and pray the Court will do so.”*

Statement from Supervisor Ralph Caruso of the Town of Woodbury: *“This lawsuit enforces the legal protections for the environment and quality of community life in the Town of Woodbury and the neighboring area, especially the requirement to study the adverse impacts of explosive growth, and mitigate those impacts, before it occurs rather than having to address them after the fact.”*

Statement from Mayor Stephen Welle of the Village of Harriman: *“The Village of Harriman has genuine concerns about the significant, potential adverse environmental impacts on the Village resulting from this annexation, which were not adequately addressed during the SEQRA review. That is why we fully support this joint municipal effort to protect our environment and natural resources.”*

Statement from Supervisor Alex Jamieson of the Town of Chester: *“The Town Board of the Town of Chester has significant concerns about the adequacy of the studies performed as part of the environmental review process. More specifically, Chester is concerned that the environmental review did not adequately address how the proposed annexation by Kiryas Joel would impact its sewer usage within OCSD #1, which in turn would adversely affect the available capacity upon which the Town of Chester relies.”*

Statement from Supervisor Randy Clark of the Town of Cornwall and Mayor Brendan G. Coyne of the Village of Cornwall-on-Hudson: *“The Town of Cornwall and Village of Cornwall-on-Hudson’s concerns regarding the proposed annexation of land from the Town of Monroe into the Village of Kiryas Joel are based chiefly upon the proposed use of wells in the Town of Cornwall as a water source. It is the Town’s belief that the SEQRA review conducted in regard to environmental impacts on water resources was fundamentally flawed and inadequate. The Town of Cornwall has joined in the coalition of municipalities bringing this law suit in order to protect the integrity of the Town’s water resources.”*

Statement from Orange County Executive Steven M. Neuhaus: *“I said during my campaign for County Executive in 2013, that Orange County would challenge annexations I did not believe were in the public interest. I meant it. Today, Orange County, in partnership with several communities in our County, is challenging the Kiryas Joel annexation. It is only necessary to do this because the Town Board of Monroe ignored their own expert advice, and because the environmental review done by Kiryas Joel failed to take a hard look at the true impacts of this annexation. I am very disappointed that our State officials forced us to take this action by making Kiryas Joel the lead agency, and that our State officials failed to enact meaningful SEQRA and annexation law reform. This annexation is not in the overall public interest and we hope the Courts will see that.”*

FURTHER INFORMATION CONCERNING THIS LITIGATION WILL BE PROVIDED BY LEAD LITIGATION COUNSEL PHILIP E. KARMEL OF BRYAN CAVE, LLP IN SUBSEQUENT PUBLIC ADVISORIES AS APPROPRIATE TO KEEP THE PUBLIC INFORMED. NO FURTHER COMMENT ABOUT THIS LITIGATION WILL BE MADE UNTIL THEN.