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City of Gloversville v. Town of Johnstown

Supreme Court, Appellate Division, Third Department, New York - January 22, 2015 - N.Y.S.2d - 2015 N.Y. Slip Op. 00575

Owners of unimproved real property located in the Town of Johnstown requested in 2012 that the property be annexed by the City of Gloversville. After a joint public hearing, the Town Board voted to deny the request while the City's Common Council voted in favor of annexation.

The City thereafter commenced a special proceeding pursuant to General Municipal Law § 712 seeking a judgment that annexation was in the overall public interest, and the owners of the property were permitted to intervene. The court then designated a panel of three Referees to hear and report on the proposed annexation. Following a trial, the Referees visited the property, viewed the surrounding area and issued a report unanimously recommending annexation. The City then moved to confirm the report, and the Town moved to reject it.

The appeals court held that any detriment to the Town was far outweighed by the benefits of annexation to the City, based on the City's municipal water and sewer services, as well as its professional, higher-rated emergency services and the resulting ability to develop the property in the same manner and with the same services and facilities. Accordingly, the court agreed with the unanimous conclusion of the Referees that annexation would be in the overall public interest.