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ANNEXATION - NEW YORK

Town of Monroe v. Village of Woodbury

Supreme Court, Appellate Division, Second Department, New York - October 30, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07050

Zigmond Brach and the Village of Kiryas Joel (hereinafter Kiryas Joel) are owners of certain real property located in the Town and Village of Woodbury. In 2012, Brach and Kiryas Joel submitted a petition to the Board of Trustees of the Village of Woodbury and the Town Board of the Town of Woodbury and the Town Board of the Town of Monroe, seeking to annex their property from the Town and Village of Woodbury into the Town of Monroe.

After a public hearing, the Town of Woodbury issued a determination denying the petition for annexation, determining that the petition failed to comply with the requirements of article 17 of the General Municipal Law, that annexation would violate General Municipal Law § 716(1) because it would affect state senate and assembly districts, and that the proposed annexation was not in the overall public interest. Shortly thereafter, the Village of Woodbury issued a determination denying the petition for annexation on nearly identical grounds.

In response to these determinations, the Town of Monroe, which had found the proposed annexation to be in the overall public interest, commenced the instant proceeding in this Court pursuant to General Municipal Law § 712 for adjudication and determination of the issue of whether the proposed annexation is in the overall public interest.

The Town of Woodbury and the Village of Woodbury moved to dismiss this proceeding. The appeals court granted the motions to dismiss, without prejudice to the filing of a new petition for the same proposed annexation.