



## STEVE M. NEUHAUS

COUNTY EXECUTIVE

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February 19, 2014

Joseph Martens  
Commissioner  
NYS DEC  
625 Broadway  
Albany, NY 12233

Dear Commissioner Martens:

I am writing to request that you consider amending the SEQRA regulations to permit a County to serve as Lead Agency whenever a municipal annexation of greater than 10 percent or more is proposed. This would not require Counties to take that role, but simply to be given notice as an "Involved Agency" rather than an "Interested Agency" and either claim Lead Agency status or make our case to you in the form of a lead agency dispute to be Lead Agency.

What has sparked this request is a plan to annex over 500 acres of land from the Town of Monroe into the Village of Kiryas Joel. There is widespread skepticism in Orange County that the Town of Monroe has the capacity to fairly review this given that the Town of Monroe's leaders have been elected by the residents of the Village of Kiryas Joel (with very little support from outside that Village).

Whether a fair review can or cannot happen is something that may not even be able to be adjudicated in Court since, under municipal annexation laws, there may be no standing to commence an action if both the Village and Town agree to the annexation. The fairness of the review aside, however -- and both Monroe and Kiryas Joel have promised a full, fair, and thorough review -- the people of our State deserve to have faith that their government can act in a fair and impartial manner. No matter how thorough the review, I am concerned that the public will lack that faith in this particular municipal annexation.

According to published reports, the Monroe-Woodbury School District has petitioned your office to have the District named as "Lead Agency" in this municipal annexation case. On behalf of Orange County, I also express a willingness to have the Orange County Planning Department assume that role.

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If, however, you come to the conclusion that the only two eligible communities to be Lead Agency are the Town of Monroe and Village of Kiryas Joel, I ask that you amend the SEQRA regulations to permit Counties to be the Lead Agency whenever a municipal annexation would absorb 10 percent or more of land into another community.

Thank you for your consideration. My office and I are available to meet with you or appropriate staff to discuss this should you find it helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "St M. Neuhaus", written over a horizontal line.

STEVEN M. NEUHAUS  
County Executive

cc: Town Clerk, Town of Monroe  
Village Clerk, Village of Kiryas Joel  
Superintendent, Monroe-Woodbury CSD

Langdon Chapman, Esq.  
County Attorney