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# NYS Assemblyman Urges Governor To Sign Annexation Oversight Bill

By ALLISON DUNNE • SEP 26, 2016

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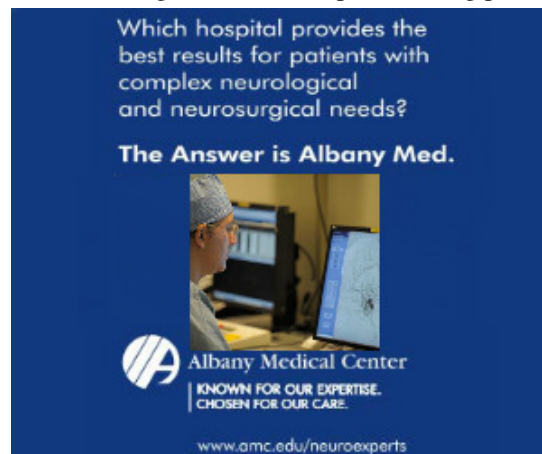
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A New York state assemblyman from the Hudson Valley is calling on Governor Andrew Cuomo to sign an annexation oversight bill. The legislation would give county planners a say in proposals like one from the Orange County Hasidic Village of Kiryas Joel.

Democratic Assemblyman James Skoufis says the bill he sponsored gives county planning departments a formal role in an annexation review process but does not require their approval.

“Something as mundane as trying to erect a traffic sign along a county road oftentimes has to be sent to the county planner for review,” says Skoufis. “Yet moving hundreds and hundreds of acres of land from one municipality to another somehow does not go to the county planner for review.”

Republican Bill Larkin sponsored the bill in the Senate. Skoufis says the impetus for crafting the legislation was a proposal from Kiryas Joel to annex 507 acres, which is tied up in court. Dr. Gerald Benjamin has sent a letter to the governor urging him to sign the legislation. Benjamin, speaking as an authority on state government and not for SUNY New Paltz, where he is Director of the Benjamin Center, stood outside Skoufis’ office in Chester Friday underscoring the importance of the legislation.

“What this bill does is essentially gives additional voice to counties when there are regional impacts on annexation matters,” Benjamin says. “In specific, the regional impact is in water and sewer services.”

The Sierra Club is another supporter of the legislation. Skoufis stresses that his bill does not provide any authority to county legislatures, only to county planners, who could provide recommendations for annexation requests, but not approvals.

“If they go back to the local municipalities with recommendations and the local municipalities want to disregard those recommendations from the county planner, they would have to have supermajority vote in order to do so,” Skoufis

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says. "That's what currently exists. Under this bill that's what would exist for annexation petitions."

Mike Queenan is mayor of Woodbury.

"It's kind of ludicrous that if the Village of Woodbury wanted to put a pump station on the border of Monroe, we would have to submit a 239 review, for the county to review it," Queenan says. "I think it's crazy that you can annex hundreds of acres and not be subject to any kind of review."

That 239 refers to state municipal law that requires that certain types of planning, zoning and subdivision projects be referred to county planning departments for review. Skoufis and other bill supporters say annexations would be added to the mix. Skoufis notes the governor's veto of the legislation last year was because of a perceived constitutional issue. Rick Golden of Burke, Miele & Golden is an Orange County attorney who works on land use matters.

"The basis for the claim of unconstitutionality dealt with whether or not the county would have to approve an annexation. This bill does not require the county to approve any annexation. It's simply a referral for comment by the county planning department," Golden says. "It's very clearly constitutional and any claims to the contrary are just false."

Benjamin asserts the bill is constitutional.

"Now in my view, and I know something about the state constitution, this is not an unconstitutional matter. This bill conforms to the state constitution," says Benjamin. "So that if the veto's going to be made on some ground it ought to be made forthrightly on the political ground, not on the constitutional ground. And I think the political ground is indefensible. So essentially what we're doing is asking for a general law that makes sense regionally at a time when we need regional consideration of matters in areas of population growth with regard to distribution of scarce resources."


Skoufis says one change in this bill from last year's vetoed version is that there is no retroactivity. It is unclear how the bill would affect current annexation proposals like the one from Kiryas Joel. Cuomo has until October 1 to decide the bill's fate and a spokesman for the governor says the bill remains under review. A spokesman for Kiryas Joel officials was unable to respond in time for this broadcast.


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