REPORT AND FINDINGS OF THE ORANGE COUNTY LEGISLATURE: 
PETITION FOR DIVISION OF THE TOWN OF MONROE,
COUNTY OF ORANGE STATE OF NEW YORK
PURSUANT TO N.Y.S. TOWN LAW ARTICLE FIVE, SECTION 73

Introduction

The Orange County Legislature ("Legislature") renders this Report with respect to compliance of the Petition for the Division of the Town of Monroe, County or Orange, State of New York filed by qualified electors of the Town of Monroe to create the Town of Palm Tree and the Town of Monroe containing the Village of Kiryas Joel and an additional 56+/- acres.

This Report is adopted pursuant to Town Law, Article Five, Section 73. This report is intended to support a resolution of the Orange County Legislature to grant the Petition and submit the proposition to electors of the Town of Monroe at its biennial election on November 7, 2017.

The Petition

The Petition for Division of the Town of Monroe, County of Orange, New York pursuant to Town Law Article Five to create the new Town of Palm Tree (or other suitable name identified by the County Legislature) and Town of Monroe, was filed with the Clerk of the Orange County Legislature on September 12, 2016, and an amendment thereof was filed on July 10, 2017, requesting to change the name of the proposed new town to the Town of Palm Tree and revising the Legal Common Boundary Description and Map by reducing the acreage of land ("Petition"). All documents referred to in this report are on file with the Clerk of the Legislature and are available on the Orange County website at http://www.orangecountygov.com/.

The proposed new Town of Palm Tree boundary description incorporates all the Village of Kiryas Joel in its entirety and assumes that the parcels and land area of the recently approved 164+/- acre annexation of unincorporated Town of Monroe into the Village of Kiryas Joel are currently a legal part of the Village of Kiryas Joel. Thus, the proposed Town of Palm Tree would consist of this new, amended Kiryas Joel boundary described in recent annexation documents plus the area from the 27 parcels listed in the attached table; in addition to road area. Generally, these parcels are located in the northwestern portion of the Town of Monroe,
north of NYS Route 17, west and southwest of the Village of Kiryas Joel as depicted on the attached map.
The acreage of the parcels and adjacent road area is approximately 56 +/- acres. Therefore, the new Town of
Palm Tree acreage will include these 56 +/- acres plus the 889 +/- acres currently a part of the Village of
Kiryas. The total acreage of the new Town of Palm Tree will be 945 +/- acres. The map and metes and
bounds description were prepared by the Orange County Planning Department at the request of Petitioners' agents.

Review of Statutory Requirements of the Petition: (signatures; description of property;
map/survey; statement of all town indebtedness, reasons for change)

A. Statutory Requirements
Pursuant to N.Y.S. Town Law § 73 (1):

“A petition signed, and acknowledged or proved, or authenticated in the
manner provided in article six for the purpose of altering the boundary lines or
the division of a town may be filed as herein provided. The petition shall
describe the boundaries with common certainty and shall be accompanied by a
map or survey showing the alteration proposed. The petition shall be signed,
and acknowledged or proved, or authenticated by electors of each town affected
as provided in section eighty-one of this chapter. The petition shall contain a
statement of all town indebtedness and the reasons for the change.”

The petition purports to be signed by duly qualified electors of the Town of Monroe, Orange
County, New York, representing not less than five percent of the total votes cast for governor in the
Town at the last general election of state offices. The Petition is comprised of 183 pages containing
a total of approximately 2,420 signatures. Attached to the petition are the following exhibits:
Exhibit A - legal description; Exhibit B - map depicting location of the boundaries of the new Town
of North Monroe (or other suitable name identified by the County Legislature is designated,
Exhibit C- Statement of Indebtedness, and Exhibit D - statement of reasons. The petitioners state
that “he/she has personally signed the petition that he/she has not signed any other petition for the
same measure; that he/she is a qualified elector of the Town of Monroe, New York; and that his/her
place of residence, including street and number, if such exist, is correctly written after his/her
name.”

Each of the petitioners further states that “he/she designates the following individuals to serve
as his/her duly authorized agent and/or representative with respect to this Petition, including, but not
limited to, the submission and receipt of any and all required notices, and the submission and/or
withdrawal of this Petition or any supplement: (1) Abraham Wieder; (2) Gedalye Szegedin; (3)
Donald G. Nichol, Esq.”

B. Signatures
Pursuant to N.Y.S. Town Law Section 81 (4):

Such petition shall be subscribed and authenticated, in the manner provided by the election
law for the authentication of nominating petitions, by electors of the town qualified to vote upon a
proposition to raise and expend money, in number equal to at least five per centum of the total votes
cast for governor in said town at the last general election held for the election of state officers, but
such number shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class. . .

Signatures Required: The Orange County Board of Elections, calculated the number of signatures required to support the Petition. Commissioner Susan Bahren informed the Legislature:

In reference to your request: the Board of Elections calculation of the 5% required for a referendum vote and/or Independent Nominating Petitions following the 2014 Gubernatorial Election for the Town Monroe was calculated in the following manner

<table>
<thead>
<tr>
<th>Total Votes Cast - (minus) Blank and Void</th>
<th>Total Vote</th>
<th>x 5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,132</td>
<td>10,811</td>
<td>540.5 = 541</td>
</tr>
</tbody>
</table>

(Bahren Email dated September 12, 2016)

Conclusion: The number of signatures required to support the Petition is 541.

The Petition is comprised of one hundred eighty-three signature pages, containing approximately 2,420 signatures acknowledged, proved or authenticated by subscribing witnesses. (Bradley memo dated September 12, 2016).

The Clerk of the Legislature caused two of her staff members to go to the Board of Elections and verify that the signatures appearing on the petition were of qualified electors of the Town of Monroe. One of those staff members was a former Board of Elections employee and is fully familiar with the New York State Board of Elections computer programs. The staff reported the following:

On Tuesday September 20, 2016 and Wednesday September 21, 2016, Kerriann Hamel and Doreen L. Griffith reviewed the petition entitled “Proposed Town of North Monroe” and came to the conclusion that “Volume No. 1, pages 1 through 45 have 4 signatures that could be objected, Volume No. 2, pages 46 through 90 have 5 signatures that could be objected, Volume No. 3, pages 91 through 139 have 11 signatures that could be objected, and Volume 4, pages 140 through 183 have 8 signatures that could be objected. After careful review, we submitted the documents to the Clerk of the Legislature.”

(Hamel Memo dated September 21, 2016)

Conclusion: The Petition contains more than 541 signatures of qualified electors of the Town of Monroe.

The Petition was posted on the Orange County website in September, 2016 and the public was notified that the petition was available for personal inspection at the Office of the Legislature, 15 Matthews Street, Suite 203, Goshen, New York during regular business hours.
No specific or general objections were filed but for a letter dated October 6, 2016, by the law firm, Zarin & Steinmetz, representing Preserve Hudson Valley. (Zarin and Steinmetz Letter dated October 6, 2016).

On October 11, 2016, the Clerk issued a Certificate acknowledging the receipt of the filing of the Petition, the number of signatures contained therein, the number of signatures required as per N.Y.S. Board of Election Law Section as calculated by Orange County Commissioner of Board of Elections, Susan Bahren and that no specific or general objections were filed but for the Zarin & Steinmetz letter dated October 6, 2016).

Amended Petition

On July 10, 2017, the Clerk of the Legislature received a letter dated July 10, 2017 from Petitioners’ Agent Gedlaye Szegedin, amending the petition by withdrawing Exhibits “A” Legal Description and “B” Map outlining the boundaries of the division of lands from the Town of Monroe to create a new town comprised of the Village of Kiryas Joel inclusive of the approved annexed 164 acres of lands annexed and an additional 56 +/- acres. Agent Szegedin also requested the name of the new town be “Town of Palm Tree” and removed the name of “Town of North Monroe.”

Environmental Review

On May 15, 2017, Petitioners’ Agent submitted Part 1 of a Full Environmental Assessment Form (EAF) along with a letter from the law firm of Whiteman Osterman & Hanna, LLP stating, “(I)t is the Petitioners’ position that the County Legislature’s determination on the Article 5 Petition, allowing the proposition to go to the electorate for a vote on town formation, is not an action subject to review under the State Environmental Quality Review Act (“SEQRA”). (Steinmetz letter dated May 15, 2017)

On June 1, 2017, by Resolution No. 123 of 2017, this Legislature preliminarily typed the Action as an “Unlisted Action” under SEQRA and requested the Orange County Commissioner of Planning to review Part 1 of the Full EAF and to prepare Part II and a draft Part III of said form for review and consideration by the Rules, Enactments and Intergovernmental Relations (“Rules”) Committee at its June 21, 2017 meeting.

On June 21, 217 Planning Commissioner submitted comments and revisions to draft EAF Parts I, II and III and received further revisions from the Rules, Enactments and Intergovernmental Relations Committee (“Rules Committee”) members. The Rules Committee set a public hearing for SEQRA to coincide with the public hearing of the Petition for the Division of the Town of Monroe (August 15 and 16, 2017).

Commissioner Church revised the EAF in accordance with the amended Petition and submitted that document to the Clerk of the Legislature on August 2, 2017. The Commissioner of Planning identified in, several areas of "moderate to large impacts that may occur" as an anticipated result of resource development of the newly created Town of Palm Tree including: surface water, groundwater, consistency with community plans and community character, notably water and sewer infrastructure. The EAF included a narrative for each category including a buildout analysis to assess growth and development patterns based upon U.S. Census Bureau Population Estimates Program and the 2011-2015 American Community Survey 5-Year Estimates.
Mr. Church also identified three County resources of concern as follows:

"First, the County-owned and operated Gonzaga Park is contiguous to, but not within the proposed new Town. There is no expectation that operation of the Park will be impacted dependent by what municipality its lands are located in.

Second, the Long Path / Highlands Trail is an established, and highly important, regional recreational trail. This trail – or specifically two (2) overlapping trails in the vicinity of the proposed Town, is maintained by the NY-NJ Trails Conference and currently follows portions of Seven Springs Road prior to connecting into Gonzaga Park and joining the trail system within that Park connecting into Schunnemunk Mountain State Park to the north. Portions of this Trail follow the western boundary of the proposed new Town or are within the immediate western limits of this new Town. It is important to note that these two, popular, multi-state trails, the Long Path and the Highlands Trail, are co-aligned in the area relevant to this Action. Both trails are featured as in the New York State Open Space Plan. This trail needs to be protected.

While there is no evidence or documented intent that the new Town might impact the trail use and maintenance, assurances should be provided that trail use and maintenance can continue whatever municipality has jurisdiction. County leadership should also look to facilitate the proposed realignment of this trail as shown in the above map prepared by the NY-NJ Trail Conference.

_The Clerk of the Legislature received over 100 emails requesting a green corridor between Gonzaga Park at Seven Springs Mountain Road and Museum Village Road._

Third, the unnamed tributary of Ramapo Creek, that drains much of the lands under consideration in this Action, has past and current documented water quality problems that can be linked to development and land uses within this same drainage area serving the proposed Town and existing areas of the Village of Kiryas Joel and the Town of Monroe. This is relevant to Section 3 Impacts on Surface Water of the EAF Part 2. . . ."

(See, Petition for Division of Town of Monroe FULL EAF Part 3, Narrative)
The narrative also stated that further environmental review under SEQRA will be required if a new Town is created and subsequent actions subject to SEQRA review – including adoption of a comprehensive plan, zoning and land use codes, are established for the new town. The Full EAF is available for public viewing on the Orange County website.

Notice of public hearing regarding the EAF was published in the Orange County official newspapers.

Written and oral comments were received. Oral comments regarding the EAF are contained within the official transcript of the Public Hearing and written comments are on file with the Clerk of the Legislature.

The Orange County Legislature is in receipt of letter dated August 11, 2017, by Richard B. Golden, Esquire, an attorney writing on behalf of a local municipal group opposing the Kiryas Joel annexation, informing the Legislature of the “importance of conducting a thorough environmental review prior to the Legislature’s decision on the pending petition to form the new Town of Palm Tree and requesting that each of the participating municipalities be listed as an interested agency.

Public Hearing on the Petition

Setting Public Hearings: On June 1, 2017, by Resolution No. 124 of 2017, this Legislature set a public hearing upon said petition for Wednesday, July 19, 2017 at 6:30 p.m. at the “Bais Rachel Paradise Hall,” 5 Israel Zupnick Dr., Monroe, New York, 10950 and continuing on Thursday, July 20, 2017 at 6:30 p.m. at the Central Valley Elementary School Auditorium, 45 Route 32, Central Valley, New York, 10917, or in the alternative such public hearing shall be held on Tuesday August 15, 2017 at 6:30 p.m. at the Central Valley Elementary School Auditorium, 45 Route 32, Central Valley, New York, 10917 and continuing thereafter, on Wednesday August 16, 2017 at 6:30 p.m. at the Bais Rachel Paradise Hall, 5 Israel Zupnick Dr., Monroe, New York, 10950, should the Rules, Enactments and Intergovernmental Relations Committee determine that such a delay is warranted at its June 21, 2017 meeting.

On June 21, 2017, the Rules Committee adjourned the public hearing to the alternative dates of August 15, 2017 and August 16, 2017, respectively.

In accordance with Town Law Section 73 (2), the Clerk of the County Legislature delivered the public hearing notice (“Notice”) to the Town of Monroe town clerk, who in turn, caused the public hearing notice to be published in the Times Herald Record (newspaper published in the town, or if none, in a newspaper having circulation in such town), once a week for four successive weeks next preceding the hearing (July 24, July 30, August 7 and August 14, 2017). The Town of Monroe clerk also caused a copy of the Notice to be posted on the sign-board of the town at least four weeks next preceding the hearing, as well as, on the Town of Monroe’s website. Due proof of publication and posting was filed with the Clerk of the Orange County Legislature. In accordance with Town Law Section 73(2), the cost of publication and posting of said Notice shall be a town charge.

Public Hearings:

The public hearings were held on August 15 and 16, 2017, conducted by L. Stephen Brescia, Chairman of the Legislature. Legislative Counsel, Antoinette Gluszak Reed, provided an overview of the Petition and procedures. Planning Commissioner David E. Church, AICP, presented the proposed map
for the new Town of Palm Tree and reviewed Full Environmental Assessment form for the benefit of the audience. The public hearing was videotaped. The Times Herald Record provided a live stream of the public hearings on Facebook. Official minutes of the public hearing were recorded by Diamond Reporting, Inc. and are made part of the official record for the petition proceedings. Copies of the transcripts are available for public viewing on the Orange County website at www.orangecountygov.com.

The public hearing at both venues were well attended.

August 15, 2017: Oral comments were received from 49 people. The Hearing was conducted from 6:30 p.m. to 8:45 p.m.

August 16, 2017: Oral comments were received from 34 people. United Monroe also submitted 525 letters in support of the Petition on this evening. The Hearing was conducted from 6:30 p.m. to 8:45 p.m.

In addition, the Clerk received 269 emails and 5 letters by mail for a total of 799 comments. Of the total, 605 individuals were in favor of the referendum, 9 opposed the referendum, 10 individuals and one not for profit recommended that the County hold off on voting for the petition and 174 individuals urged the County to consider and protect the Highland Trails and Long Path.

All public hearing comments, correspondence and documents were considered by the Legislative Rules Committee at its August 23, 2017 meeting held at the Orange County Emergency Operations Center, 22 Wells Farm Road, Goshen, New York.

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS
COMMITTEE ACTIONS: SEQRA Resolution and Proposed Resolution To Grant The Petition and Submit Proposition for a vote to Town of Monroe Electorate.

The Rules, Enactments and Intergovernmental Relations Committee voted to advance the attached SEQRA Resolution and Resolution to Grant the Petition and Submit Proposition for a vote to Town of Monroe Electorate at the November 7, 2017 Biennial Election.

The Votes on the Resolutions were as follows:

SEQRA Resolution:

Resolution to Grant the Petition and Submit Proposition for a vote to Town of Monroe Electorate at the November 7, 2017 Biennial Election:
Findings:

Petition:

The Petition is a Petition pursuant to Town Law Article Five, seeking to divide the Town of Monroe into a newly created town to be named the Town of Palm Tree and Town of Monroe.

The petition is signed by over 541 qualified electors of the Town of Monroe. All such signatures were acknowledged or proved, or authenticated in the manner provided in article six of the town law for the purpose of altering the boundary lines or the division of a town.

No specific or general objections to the petition were filed but for a letter dated October 6, 2016, by the law firm, Zarin & Steinmetz, representing Preserve Hudson Valley.

The Petition describes the boundaries with common certainty and is accompanied by a map showing the alteration proposed, both of which was prepared by the Orange County Planning Department on behalf of petitioners. The Petition contains the following statutory information:

Exhibit A & B - Metes and Bounds Description and a Map depicting the new Town of Palm Tree.

Description: The proposed new Town of Palm Tree boundary description incorporates all of the Village of Kiryas Joel in its entirety and assumes that the parcels and land area of the recently approved 164+/- acre annexation of unincorporated Town of Monroe into the Village of Kiryas Joel are currently a legal part of the Village of Kiryas Joel. The new Town of Palm Tree acreage will include these 56 +/- acres plus the 889+/- acres currently a part of the Village of Kiryas. The total acreage of the new Town of Palm Tree will be 945+/- acres. The map and metes and bounds description were prepared by the Orange County Planning Department at the request of Petitioners’ agents.

Exhibit C - Statement of Indebtedness for the Town of Monroe for the fiscal year ending December 31, 2014 as certified by Town of Monroe Chief Fiscal Officer, Peter Martin

Exhibit D - Statement of Reasons for Change to separate the Village of Kiryas Joel and its immediate vicinities of 56+/- acres from the Town of Monroe to establish a new Town of Palm Tree, to allow both communities to separately co-exist based upon cultural and family lifestyles, educational institutions, community facilities and infrastructural needs, political and governmental autonomy.

Procedural Requirements

By Resolution No. 124 of 2017, the Orange County Legislature set the public hearing for August 15, 2017 and continuing August 16, 2017. The Clerk of the Legislature delivered a copy of the Public hearing notice to the Town Clerk, Mary Ellen F. Beams who, in turn, caused the Notice of the Public Hearing to be published in the Times Herald Record on July 24, 2017, July 31, 2017, August 7, 2017 and August 14, 2017. The Notice was also posted on the Town bulletin board and on its website.
Affidavits of publications were duly filed with the Clerk of the Legislature.

Public Hearings were held on the designated dates. Public Comments were received by over 83 individuals and written comments from 800 individuals, not-for profits and attorneys. Transcripts and videotapes, accurately depict the public hearing and are deemed to be part of the Official Record for the Petition proceeding.

Conclusion

In conclusion, the Orange County Legislature has examined the procedural requirements of Town Law Article Five and the sufficiency of the petitions. As such, the Legislature hereby determines that all the procedural requirements have been met and the petition is sufficient under Town Law Article Five.

The Legislature authorizes the Clerk of the Orange County Legislature:

(i) to file a signed and certified copy of this Report and Findings Statement and the Legislature’s Resolution granting the Petition, SEQRA documents and SEQRA resolution with the Clerks of the Town of Monroe and Village of Monroe; and

(ii) To deliver the attached Certification of the Proposition to the Orange County Commissioners of the Board of Elections for submission to the electorate of the Town of Monroe at the November 7, 2017 Biennial election.

Dated: September 7, 2017