

STATE OF NEW YORK

S. 8660--B

A. 10679--B

SENATE - ASSEMBLY

May 10, 2018

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, MURRAY -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of Brookhaven, county of Suffolk, to alienate certain parklands and to dedicate other lands as parklands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the town of Brook-
2 haven, county of Suffolk, acting by and through its governing body and
3 upon such terms and conditions as determined by such body, is hereby
4 authorized to discontinue as parklands and to alienate the lands
5 described in section three of this act to DiPaolo Development, LLC to be
6 used for residential purposes.

7 § 2. The authorization provided in section one of this act shall be
8 effective only upon the condition that the town of Brookhaven dedicate
9 the lands described in section four of this act as parkland provided
10 that the town of Brookhaven has never used such lands for public open
11 space or park purposes.

12 § 3. The parklands authorized by section one of this act to be alien-
13 ated as parklands are described as follows:

Parcel One

15 ALL that certain plot, piece or parcel of land, situate, lying and
16 being in the Town of Brookhaven, County of Suffolk and State of New

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15796-03-8

1 York, known and designated as Lot Number 78 on a certain map entitled,
2 "Map of Shirley, Long Island, Unit A", filed in the Office of the Clerk
3 of the County of Suffolk on December 28, 1949 as Map number 1725, which
4 said lot is bounded and described as follows:

5 BEGINNING at a point on the Westerly side of Carnation Drive at the
6 extreme Southerly end of a curve with a radius of 30.00 feet, which said
7 curve connects the Westerly side of Carnation Drive and the Southerly
8 side of Carleton Drive;

9 RUNNING THENCE along the Westerly side of Carnation Drive, South 01
10 degrees 17 minutes 10 seconds East, 109.15 feet to land now or formerly
11 of Town of Brookhaven;

12 THENCE along land now or formerly of Town of Brookhaven South 88
13 degrees 42 minutes 50 seconds West, 217.80 feet to land now or formerly
14 of Steven Capatosto;

15 THENCE along land now or formerly of Steven Capatosto North 01 degrees
16 17 minutes 10 seconds West, 32.86 feet to the Southerly side of Carleton
17 Drive;

18 THENCE along the Southerly side of Carlton Drive, North 58 degrees 05
19 minutes 40 seconds East, 200.48 feet to a point;

20 THENCE along the arc of a curve which connects the Westerly side of
21 Carnation Drive with the Southerly side of Carleton Drive bearing to the
22 right with a radius of 30.00 feet and a length of 63.16 feet to the
23 point or place of BEGINNING.

24 Property identified as Suffolk County Tax Map Number
25 0200-615.00-04.00-005.000; .42 acres

26 Parcel Two

27 ALL that certain plot, piece or parcel of land, situate, lying and
28 being in the Town of Brookhaven, County of Suffolk and State of New
29 York, known and designated as Lot Numbers 76 and 77 on a certain map
30 entitled, "Map of Shirley, Long Island, Unit A", filed in the Office of
31 the Clerk of the County of Suffolk on December 28, 1949 as Map Number
32 1725, which said lots are bounded and described as follows:

33 BEGINNING at a point on the Westerly side of Carnation Drive distant
34 109.15 feet Southerly from the extreme Southerly end of a curve having a
35 radius of 30.00 feet which said curve connects the Westerly side of
36 Carnation Drive and the Southerly side of Carleton Drive;

37 RUNNING THENCE along the Westerly side of Carnation Drive South 01
38 degrees 17 minutes 10 seconds East, 100.00 feet to land now or formerly
39 of Gino Dire;

40 THENCE along land of Gino Dire, South 88 degrees 42 minutes 50 seconds
41 West, 217.80 feet to land now or formerly of Steven Capatosto;

42 THENCE along land of Steven Capatosto, North 01 degrees 17 minutes 10
43 seconds West, 100.00 feet to land now or formerly of Town of Brookhaven;

44 THENCE along land now or formerly of Town of Brookhaven North 88
45 degrees 42 minutes 50 seconds East, 217.80 feet to the Westerly side of
46 Carnation Drive, the point or place of BEGINNING.

47 Property identified as Suffolk County Tax Map Number
48 0200-615.00-04.00-006.000; .5 acres

49 § 4. Prior to the discontinuance and alienation of the parklands
50 described in section three of this act, the town of Brookhaven shall
51 dedicate as parklands such land described as follows:

52 ALL that certain plot, piece or parcel of land, with the buildings and
53 improvements thereon erected, situate, lying and being in Center Morich-

es, in the Town of Brookhaven, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the Northerly side of Frowein Road (C.R. 98), distant 1674.91 feet Westerly from the corner formed by the Northerly side of Frowein Road (C.R. 98) and the Westerly side of Brookfield Avenue;

RUNNING THENCE North 79 degrees 59 minutes 30 seconds West along the Northerly side of Frowein Road, 275.75 feet;

RUNNING THENCE North 06 degrees 04 minutes 45 seconds East along said last mentioned land, 1005.00 feet to the land now or formerly of William H. Moffitt;

RUNNING THENCE South 77 degrees 07 minutes 45 seconds East along the said last mentioned land, 281.50 feet to the land now or formerly of Ida J. Smith;

RUNNING THENCE along the land now or formerly of Ida J. Smith, the following four (4) courses and distances:

1. South 06 degrees 27 minutes 35 seconds West, 162.41 feet (deed), 162.40 feet (survey);

2. South 04 degrees 47 minutes 55 seconds West, 264.67 feet;

3. South 06 degrees 22 minutes 35 seconds West, 274.97 feet;

4. South 07 degrees 38 minutes 00 seconds West, 288.74 feet to the Northerly side of Frowein Road, being the point or place of BEGINNING.

Property located at 313 Frowein Road in the Hamlet of Center Moriches and identified as Suffolk County Tax Map Number 0200-827.00-02.00-006.000; 6.3 acres

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated as parklands by the town of Brookhaven pursuant to this act are not equal to or greater than the fair market value of the parklands to be alienated as described in section three of this act, the town of Brookhaven shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Brookhaven received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the town of Brookhaven has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.