STATE OF NEW YORK

2854--B

Cal. No. 1031

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- amended and ordered reprinted, retaining its place in the order of third reading

AN ACT requiring the development, adoption and implementation of a master plan for the Nissequogue River State Park

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

Section 1. Legislative intent. The legislature finds and declares that Kings Park in the town of Smithtown is home to a large parcel of land commonly referred to as the Kings Park Psychiatric Center ("the center"). The center was closed in 1996, and in 2001, 155 acres of the center were designated state parkland, thereby creating the Nissequogue River State Park ("NRSP"). In 2006, an additional 364.68 acres of the center's property was administratively transferred by and between the office of general services, the department of mental hygiene, and the office of parks, recreation and historic preservation.

The legislature further finds and declares that the initial 2001 and subsequent 2006 administrative actions taken to establish and then expand the center's property into the eventual NRSP is fully dispositive of the will of the community and of local and state elected officials, while others believe that a statutory codification is preferable.

The legislature therefore finds and declares that this legislation is needed to: (a) codify and ensure that the 2001 and 2006 transfers of land from the center to establish the NRSP are protected from administrative changes; and (2) develop a master plan for the NRSP.

§ 2. (a) For purposes of this section, "Nissequogue River State Park" shall mean the 155-acre portion of the former Kings Park Psychiatric

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

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Center property closed in 1996 and then transferred into the New York state park system in 2001, along with the 364.68 acres of former hospital property administratively transferred by an order of the office of general services, dated December 29, 2006 entitled, "In the Matter of the Application of the Office of Parks, Recreation and Historic Preservation for a transfer of jurisdiction of certain lands located in the Town of Smithtown, County of Suffolk".

(b) The commissioner of the office of parks, recreation and historic preservation (OPRHP), in cooperation with the Nissequogue River State Park Foundation and other interested parties, including but not limited to the town of Smithtown, shall develop, adopt and implement a master plan for the Nissequogue River State Park, Kings Park, county of Suffolk.

(c) The master plan shall take into consideration the historic, natural and recreational resources of the park and respond to recreational needs and safety of park patrons, the protection of the resources of the park and principles of sustainability. The master plan shall include short- and long-term agendas to guide future development of new and enhanced park facilities and shall establish goals concerning individual park resources, access, maintenance, operations and development.

(d) The plan shall present a series of "preferred alternatives" for the future development and operation of the Nissequogue River State Park; provided that the initiation of any specific action will be determined by the level of funding available to OPRHP in future years.

(e) The commissioner of the office of parks, recreation and historic preservation shall hold such public meetings to gather information from the general public and other state, local and federal agencies about the past uses and issues associated with future uses of the park as he or she deems necessary and/or desirable.

(f) The development of such plan shall commence within sixty days of the effective date of this act and the plan shall be completed within one year thereafter.

(g) Details of the plan shall be made available to the public on the website of the office of parks, recreation and historic preservation and on the Nissequogue River State Park website.

§ 3. The plan shall include an environmental impact statement prepared in accordance with the provisions of article 8 of the environmental conservation law.

§ 4. This act shall take effect immediately.