

# STATE OF NEW YORK

4608--A

Cal. No. 945

2021-2022 Regular Sessions

## IN SENATE

February 8, 2021

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to authorize the town of Brookhaven, county of Suffolk, to alienate and discontinue the use of certain 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 Brookha-  
2 ven, 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 lease at fair market value  
5 to New York SMSA Limited Partnership for a term not to exceed thirty  
6 years the lands more particularly described in section three of this act  
7 for the placement and operation of a wireless communication tower.

8 § 2. The authorization contained in section one of this act shall be  
9 effective only upon the condition that the town of Brookhaven, county of  
10 Suffolk, dedicate the proceeds from the lease toward the acquisition of  
11 new parklands and/or capital improvements to existing park and recre-  
12 ational facilities

13 § 3. The lands authorized by section one of this act to be discontin-  
14 ued as parklands and leased are described as follows:

15 ALL that certain plot, piece or parcel of land, with improvements  
16 existing thereon, situate, lying and being in Mount Sinai, in the Town  
17 of Brookhaven and the county of Suffolk in the state of New York being  
18 more particularly described as follows:

19 BEGINNING at the southwesterly corner of the area of land herein  
20 described, said point being the following three (3) courses from a point

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

LBD08930-03-1

1 on the present northerly side of New York State Route 25A (Nesconset-  
2 Port Jefferson Road), which point is the division line between lands now  
3 or formerly the Town of Brookhaven on the west and lands formerly Texa-  
4 co, Inc and now formerly 438F Realty LLC on the east, said division line  
5 being 54.00 feet northerly measured radially from station 121+84± of the  
6 survey centerline of New York State Route 25A, said point also being  
7 358.12± as measured westerly from the southwesterly end of a line  
8 connecting the northerly side of New York State Route 25A with the  
9 westerly side of Peach Tree Lane;

10 1. Along the arc of a curve to the right having a Radius of 6530.75  
11 feet, and Length of 307.84 feet;

12 2. South 66 degrees 52 minutes 17 seconds West, 260.34 feet;

13 3. North 23 degrees 07 minutes 43 seconds West, 107.25 feet;

14 Running thence from said point of beginning, through and over lands  
15 now or formerly the Town of Brookhaven the following four (4) courses:

16 1. North 39 degrees 28 minutes 00 seconds West, 45.00 feet;

17 2. North 50 degrees 32 minutes 00 seconds East, 29.33 feet;

18 3. South 39 degrees 28 minutes 00 seconds East, 45.00 feet;

19 4. South 50 degrees 32 minutes 00 seconds West, 29.33 feet to the  
20 point or place of beginning.

21 Containing a total of 1320 sq. ft, or 0.0303 acres more or less.

22 § 4. Should the lands described in section three of this act cease to  
23 be used for the purposes described in section one of this act, the lease  
24 shall terminate and those lands shall revert to the town of Brookhaven  
25 for public park and recreational purposes. At the time of such rever-  
26 sion, the removal of such wireless communication tower shall take place  
27 and the property shall be returned to its previous state, consistent  
28 with park and recreational purposes.

29 § 5. In the event that the town of Brookhaven received any funding  
30 support or assistance from the federal government for the purchase,  
31 maintenance or improvement of the parklands set forth in section two of  
32 this act, the discontinuance and alienation of such parkland authorized  
33 by the provisions of this act shall not occur until the town of Brookha-  
34 ven has complied with any federal requirements pertaining to the alien-  
35 ation or conversion of parklands, including satisfying the secretary of  
36 the interior that the alienation or conversion complies with all condi-  
37 tions which the secretary of the interior deems necessary to assure the  
38 substitution of other lands shall be equivalent in fair market value and  
39 usefulness to the lands being alienated or converted.

40 § 6. This act shall take effect immediately.