

# STATE OF NEW YORK

4608

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

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. (a) Subject to the provisions of this act, the town of  
2 Brookhaven, county of Suffolk, acting by and through its governing body,  
3 and upon such terms and conditions as determined by such body, is hereby  
4 authorized to discontinue as parkland the lands more particularly  
5 described in section two of this act for the placement and operation of  
6 a wireless communication tower.

7 (b) The authorization contained in section one of this act shall be  
8 effective only upon the condition that the town of Brookhaven, county of  
9 Suffolk dedicate an amount equal to the fair market value of those  
10 interests being alienated by this act, for capital improvements to  
11 Heritage Park, located on Jesse Way in Mount Sinai, in the town of  
12 Brookhaven, county of Suffolk.

13 § 2. 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  
21 on the present northerly side of New York State Route 25A (Nesconset-  
22 Port Jefferson Road), which point is the division line between lands now  
23 or formerly the Town of Brookhaven on the west and lands formerly Texa-  
24 co, Inc and now formerly 438F Realty LLC on the east, said division line  
25 being 54.00 feet northerly measured radially from station 121+84± of the

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

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1 survey centerline of New York State Route 25A, said point also being  
2 358.12± as measured westerly from the southwesterly end of a line  
3 connecting the northerly side of New York State Route 25A with the  
4 westerly side of Peach Tree Lane;

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

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

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

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

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

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

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

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

16 § 3. Should the lands described in section two of this act cease to be  
17 used for the purposes described in section one of this act, those lands  
18 shall revert to the town of Brookhaven for public park and recreational  
19 purposes. At the time of such reversion, the removal of such wireless  
20 communication tower shall take place and the property shall be returned  
21 to its previous state, consistent with park and recreational purposes.

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

33 § 5. This act shall take effect immediately.