STATE OF NEW YORK

9830

IN SENATE

June 3, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 719 of the laws of 1982, relating to authorizing the commissioner of general services to convey certain state lands in the county of Suffolk to the town of Islip, in relation to exceptions for certain property (Part A); and authorizing the town of Islip, county of Suffolk, to alienate certain parkland (Part B)

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

Section 1. This act enacts into law components of legislation relating to the discontinuance of certain parklands in the Town of Islip. Each component is wholly contained within a Part identified as Parts A through B. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Chapter 719 of the laws of 1982, relating to authorizing the commissioner of general services to convey certain state lands in the county of Suffolk to the town of Islip, is amended by adding a new section 1-c to read as follows:

§ 1-c. The commissioner of general services shall amend a conveyance to the town of Islip to remove restrictions provided in section seven of this act applying to the parcel of land described in section eight-c of this act.

§ 2. The opening paragraph of section 7 of chapter 719 of the laws of 1982, relating to authorizing the commissioner of general services to convey certain state lands in the county of Suffolk to the town of

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

LBD15787-03-4

Islip, as amended by chapter 332 of the laws of 2021, is amended and a new section 8-c is added to read as follows:

With the exception of the lands described in sections seven-a [~~and~~], eight-b **and eight-c** of this act, any land and improvements thereon transferred pursuant to this act shall be used only by, or for the purposes of the state, the United States of America and its transferees or assigns, a union free school district as defined by the education law, a municipal corporation or a not-for-profit college or university chartered by the regents of the university of the state of New York. Except for the United States of America and its transferees or assigns, said land and any improvements thereon shall be used only for hospital, park and recreation, municipal office or educational purposes, and for complementary academic, scientific or technological uses, applied research and developmental activities of a not-for-profit college or university, a voluntary, municipal or state-operated hospital, a union free school district as defined by the education law or a municipal corporation. Said land or any improvements thereon transferred pursuant to this act to the United States of America or its transferees or assigns shall not be designed or altered for the overnight housing and/or custody of prisoners or detainees. These purposes and/or restrictions shall be recorded as deed covenants and restrictions running with the land upon the transfer of the land to the town of Islip, Suffolk county and its transferees or assigns. Provided, however, that the commissioner of general services, subject to the approval of the town of Islip as evidenced by a resolution of the town board and upon payment of fair and reasonable consideration as determined by said commissioner by New York Institute of Technology to the office of general services, shall amend, modify or delete as set forth in said resolution any of the above stated purposes, including the requirement that they be recorded as deed covenants and restrictions running with the land as such purposes and restrictions may appear in a conveyance to the town of Islip, its transferee and assigns and apply to the following described five parcels of land:

§ 8-c. The lands subject to the amended conveyance pursuant to section one-c of this act are situated in the town of Islip, Suffolk county, and are generally described as follows:

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in Central Islip, in the Town of Islip, County of Suffolk and State of New York, being more particularly bounded and described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the town of Islip, Suffolk County, New York, bounded and described as follows:

BEGINNING at a point on the line dividing lands of the Town of Islip from land now or formerly of Steel Campus, LLC and Marcus ISP APTS Holdings, LLC. Said point further described as being the following four (4) courses from the intersection formed by the easterly side of Carleton Avenue (C.R. 17) and the southerly side of Smith Street:

1) Southerly 2739.90 feet as measured along the easterly side of Carleton Avenue,

2) N 74°17'26" E, 371.64 feet,

3) S 07°23'31" E, 1152.15 feet,

4) N 81°31'09" E, 696.61 feet,

to the POINT of BEGINNING.

RUNNING THENCE through land of the Town of Islip; N81°31'09" E, 71.60 feet; to the line dividing land of the Town of Islip from land now or formerly of Steel Campus, LLC and Marcus ISP APTS Holdings, LLC.

THENCE along said line the following three (3) courses:
1) S 09°40'46" E, 80.05 feet,
2) S 79°13'05" W, 70.00 feet,
3) N 10°46'55" W, 82.91 feet,
to the POINT or PLACE of BEGINNING.
Containing within said bounds 5767 sq. ft. (0.1324 acres)

§ 3. This act shall take effect immediately.

PART B

Section 1. Subject to the provisions of this act, the town of Islip, in the county of Suffolk, acting by and through its governing body and upon such terms and conditions as determined by such body is hereby authorized to discontinue as parklands and convey the lands described in section three of this act, for the purpose of residential development.

§ 2. The authorization contained in section one of this act shall take effect only upon the conditions that (1) the town of Islip shall dedicate an amount equal to or greater than the fair market value of the parklands being discontinued towards the acquisition of new parklands and/or capital improvements to existing park and recreational facilities, and (2) the commissioner of general services shall have amended a deed from the state to the town conveying the lands described in section three of this act, relating to the use of such lands, in order to permit the alienation authorized pursuant to this act.

§ 3. The parklands authorized by section one of this act to be discontinued as parkland are as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the town of Islip, Suffolk County, New York, bounded and described as follows:

BEGINNING at a point on the line dividing lands of the Town of Islip from land now or formerly of Steel Campus, LLC and Marcus ISP APTS Holdings, LLC. Said point further described as being the following four (4) courses from the intersection formed by the easterly side of Carleton Avenue (C.R. 17) and the southerly side of Smith Street:

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to the POINT or PLACE of BEGINNING.
Containing within said bounds 5767 sq. ft. (0.1324 acres)

§ 4. In the event that the town of Islip 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 section one of this act shall not occur until the town of Islip has complied with any federal requirements pertaining to the alienation or conversion of such 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.

§ 5. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through B of this act shall be as specifically set forth in the last section of such Parts.