STATE OF NEW YORK

5365

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. DeSTEFANO -- read once and referred to the Committee on Local Governments

AN ACT authorizing the town of Brookhaven, county of Suffolk to amend a conservation easement

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

Section 1. Subject to the provisions of this act, the town of Brookhaven, 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 amend its rights acquired in a conservation easement over the lands more particularly described in section three of this act, which are held pursuant to section 247 of the general municipal law and title 3 of article 49 of the environmental conservation law, adjusting the boundaries of the conservation easement by removing from the conservation easement the lands more particularly described in section four of this act for the express purpose of allowing rail access.

§ 2. The authorization to amend such conservation easement shall be effective only upon the condition that the town of Brookhaven, county of Suffolk add to the conservation easement the lands more particularly described in section five of this act to conserve, preserve and protect environmental assets, natural resources, open space and forest lands.

§ 3. The conservation easement subject to this act consists of approximately 62 acres of land, which is more particularly described as follows:

Preserve Area A (West of Rail Corridor)
Suffolk County Real Property Tax Service Designation:
District: 0200
Section: 815.00
Block: 01.00
Lots: Part of 004.004, 006.002, Old Town Road

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

LBD09637-01-3

ALL that certain plot, piece or parcel of land, situate, lying and being at Yaphank, Town of Brookhaven, County of Suffolk and State of Now York, being bounded and described as follows:
BEGINNING at the northeast corner of the herein described property, said point being more particularly described thus:
COMMENCING at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the south west corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.
RUNNING THENCE along the northerly line of Horse Block Road (C.R. 16) the following seven courses:
1. South 75 degrees 01 minute 07 second East 163.82 feet;
2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord which bears South 73 degrees 24 minute 46 seconds East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;
3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73 degrees 24 minutes 46 seconds East 106.02 feet, an arc length of 106.04 feet;
4. South 75 degrees 01 minute 07 seconds East, tangent to the previous curve, 79.43 feet;
5. South 05 degrees 32 minutes 27 seconds East 19.19 feet;
6. South 75 degrees 01 minute 07 seconds East 104.97 feet;
7. South 79 degrees 17 minutes 52 seconds East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC;
THENCE, along said westerly line, North 05 degrees 32 minutes 27 seconds West 2,605.87 feet, to the southerly line of land of the County of Suffolk;
THENCE along lands of the County of Suffolk the following eight courses:
1. South 84 degrees 27 minutes 33 seconds West 275.15 feet;
2. North 05 degrees 32 minutes 27 seconds West 1.82 feet;
3. North 05 degrees 23 minutes 40 seconds West 1,890.10 feet;
4. North 03 degrees 49 minutes 20 seconds West 15.25 feet;
5. North 05 degrees 32 minutes 38 seconds West 34.99 feet;
6. North 44 degrees 00 minutes 41 seconds West 312.52 feet;
7. North 49 degrees 00 minutes 49 seconds West 339.27 feet;
8. North 05 degrees 20 minutes 34 seconds West 3,196 62 feet, to the southerly line of the Long Island Railroad;
THENCE along the southerly line of the Long Island Railroad, South 82 degrees 57 minutes 08 seconds West, 877.24 feet, to the northeast corner of the herein described property at the Point of Beginning;
THENCE South 05 degrees 27 minutes 31 seconds East 2,765.10 feet, to the northerly line of land now or formerly of New York Pyrotechnics;
THENCE along said northerly line, South 84 degrees 19 minutes 38 seconds West 710.58 feet;
THENCE North 04 degrees 46 minutes 00 seconds West 2,749.16 feet, to the southerly line of the Long Island Railroad;
RUNNING THENCE along the southerly line of Long Island Railroad, North 82 degrees 57 minutes 08 seconds East 677.64 feet, to the point or place of BEGINNING.
Preserved Area B (East of Rail Corridor)
Suffolk County Real Property Tax Service Designation:

District: 0200
Section: 815.00
Block: 01.00
Lots: Part of 006.002
ALL that certain plot, piece or parcel of land, situate, lying and being at Yaphank, Town of Brookhaven, County of Suffolk and State of New York, being bounded and described a follows:
BEGINNING at the southeast corner of the herein described property, said point being more particularly described thus:
COMMENCING at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the southwest corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.
RUNNING THENCE along the northerly line of Horse Block Road (C.R. 16) the following seven courses:
1. South 75 degrees 01 minute 07 seconds East 163.82 feet;
2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord which bears South 73 degrees 24 minutes 46 seconds East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;
3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73 degrees 24 minutes 46 seconds East 105.02 feet, an arc length of 105.04 feet;
4. South 75 degrees 01 minute 07 seconds East, tangent to the previous curve, 79.43 feet;
5. South 05 degrees 32 minutes 27 seconds East 19.19 feet;
6. South 75 degrees 01 minute 07 seconds East 104.97 feet;
7. South 79 degrees 17 minutes 52 seconds East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC;
THENCE along said westerly line, North 05 degrees 32 minutes 27 seconds West 2,605.87 feet, to the southerly line of land of the County of Suffolk;
THENCE along lands of the County of Suffolk the following eight courses:
1. South 84 degrees 27 minutes 33 seconds West 275.15 feet;
2. North 05 degrees 32 minutes 27 seconds West 1.82 feet;
3. North 05 degrees 23 minutes 40 seconds West 1,890.10 feet;
4. North 03 degrees 49 minutes 20 seconds West 15.25 feet;
5. North 05 degrees 32 minutes 38 seconds West 34.99 feet;
6. North 44 degrees 00 minutes 41 seconds West 312.52 feet;
7. North 49 degrees 00 minutes 49 seconds West 339.27 feet;
8. North 05 degrees 20 minutes 34 seconds West 1,907.87 feet, to the Point of Beginning.
RUNNING THENCE South 84 degrees 32 minutes 29 seconds West 599.29 feet;
THENCE North 06 degrees 27 minutes 31 seconds West 282.03 feet;
THENCE North 16 degrees 27 minutes 31 seconds West 115.18 feet;
THENCE North 05 degrees 27 minutes 31 seconds West 876.03 feet, to the southerly line of the Long Island Railroad;
THENCE along the southerly line of the Long Island Railroad, North 82 degrees 57 minutes 08 seconds East 622.14 feet, to the westerly line of land of the County of Suffolk;
THENCE South 05 degrees 20 minutes 34 seconds East, along said land, 1,288.75 feet, to the Point of BEGINNING.

§ 4. The land authorized by section one of this act to be removed from the conservation easement consists of 2.99 acres of land and is more particularly described as follows:

Beginning at the northeast corner of the herein described property, said point being more particularly described thus:

Commencing at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the southwest corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.

Running thence along the northerly line of Horse Block Road (C.R. 16) the following seven courses:

1. South 75°01'07" East 163.82 feet;
2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord which bears South 73°24'46" East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;
3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73°24'46" East 105.02 feet, an arc length of 105.04 feet;
4. South 75°01'07" East, tangent to the previous curve, 79.43 feet;
5. South 05°32'27" East 19.19 feet;
6. South 75°01'07" East 104.97 feet;
7. South 79°17'52" East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC.;

Thence, along said westerly line, North 05°32'27" West 2,605.87 feet, to the southerly line of land of the County of Suffolk;

Thence along lands of the County of Suffolk the following eight courses:

1. South 84°27'33" West 275.15 feet;
2. North 05°32'27" West 1.82 feet;
3. North 05°23'40" West 1,890.10 feet;
4. North 03°49'20" West 15.25 feet;
5. North 05°32'38" West 34.99 feet;
6. North 44°00'41" West 312.52 feet;
7. North 49°00'49" West 339.27 feet;
8. North 05°20'34" West 3,196.62 feet, to the southerly line of the Long Island Railroad as monumented;

Thence along the southerly line of the Long Island Railroad as monumented, South 82°57'08" West, 877.24 feet, to the northeast corner of the herein described property at the Point of Beginning;

Thence South 05°27'31" East 384.27 feet ;

Thence North 67°06'35" West 769.69 feet to the southerly line of the Long Island Railroad as monumented;

Thence along the southerly line of the Long Island Railroad as monumented, North 82°57'08" East 677.64 feet to the Point of Beginning.

Containing within said bounds 2.99 Acres

§ 5. The land authorized by section two of this act to be added to the conservation easement consists of 6.13 acres and is more particularly described as follows:

Beginning at the southeast corner of the herein described property, said point being more particularly described thus:

Commencing at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the southwest corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.

Running thence along the northerly line of Horse Block Road (C.R. 16) the following seven courses:

1. South 75°01'07" East 163.82 feet;
2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord which bears South 73°24'46" East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;
3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73°24'46" East 105.02 feet, an arc length of 105.04 feet;
4. South 75°01'07" East, tangent to the previous curve, 79.43 feet;
5. South 05°32'27" East 19.19 feet;
6. South 75°01'07" East 104.97 feet;
7. South 79°17'52" East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC.;

Thence, along said westerly line, North 05°32'27" West 2,605.87 feet, to the southerly line of land of the County of Suffolk;

Thence along lands of the County of Suffolk the following eight courses:

1. South 84°27'33" West 275.15 feet;
2. North 05°32'27" West 1.82 feet;
3. North 05°23'40" West 1,890.10 feet;
4. North 03°49'20" West 15.25 feet;
5. North 05°32'38" West 34.99 feet;
6. North 44°00'41" West 312.52 feet;
7. North 49°00'49" West 339.27 feet;
8. North 05°20'34" West 1,467.95 feet, to the Point of Beginning.

RUNNING thence South 84°16'27" West 598.41 feet;
Thence North 05°27'31" West 442.71 feet;
Thence North 84°32'29" East 599.29 feet;
Thence South 05°20'34" East 439.92 feet to the Point of Beginning.
Containing within said bounds 6.13 Acres

§ 6. This act shall take effect immediately.