STATE OF NEW YORK

6028--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 30, 2023

Introduced by M. of A. DeSTEFANO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the town of Brookhaven to alienate certain parklands for use as a wet retention pond for municipal drainage purposes and to dedicate certain other lands as parklands

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, located 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 the lands more particularly described in section three of this act, for the construction of a wet retention pond for municipal drainage purposes.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Brookhaven dedicate the lands described in section four of this act as parklands, provided that the town of Brookhaven has never used such lands for park purposes.

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

All that part or parcel of land situate as Mastic Beach, Town of Brookhaven, County of Suffolk and State of New York and known as Lots 3414-3418, 3421-3427 & 3440-3448 as shown on the map of Mastic Beach, filed in the office of the Suffolk County Clerk on 06/03/1926 as map number 1004 and described as follows:

Beginning at a point at the intersection of the southerly side of Forest Road with the westerly side of Orchid Drive, running thence, along the westerly side of Orchid Drive, south 11°25'00" east a distance of 280.00 feet to the northerly line of lot 3449;

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

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Thence, along the northerly line of lots 3449 and 3428, south 78°35'00" west a distance of 200.00 feet to the easterly side of Riviera;

Thence, along the easterly side of Riviera, north 11°25'00" west a distance of 140.00 feet to the northerly side of lot 3421;

Thence, along the northerly side of lot 3421, north 78°35'00" east a distance of 100.00 feet to the westerly side of lot 3441;

Thence, along the westerly side of lots 3441, 3440 and 3414, north 11°25'00" west a distance of 140.00 feet to the southerly side of Forest Road;

Thence, along the southerly side of Forest Road, north 78°35'00" east a distance of 100.00 feet to the westerly side of Orchid Drive and the point or place of beginning.

Said parcel contains 42,000 square feet or .91 acres, more or less.

§ 4. Prior to the discontinuance and alienation of parkland described in section three of this act, the town of Brookhaven, acting by and through its governing body, shall dedicate replacement land for use as parklands described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being at East Moriches, in the Town of Brookhaven, County of Suffolk and State of New York, known and designated at Lot Numbers 11 through 61 inclusive, in Block Seven (7) as shown on a certain map entitled: "Map of Ridgewood By The Sea, Section One" and filed in the Office of the Clerk of Suffolk County on May 3, 1927 as Map Number 833, which said lots when taken together are more particularly bounded and described as follows:

BEGINNING at a point on the northeasterly side of Emener Avenue where the same is intersected by the division line between Lots 10 and 11 as shown on the aforesaid map, said point being distant 200.00 feet southeasterly as measured along the northeasterly side of Emener Avenue from the corner formed by the intersection of the northeasterly side of Emener Avenue with the southeasterly side of First Street;

RUNNING THENCE from said point or place of beginning along the division line first above mentioned, North 57 degrees 12 minutes 30 seconds East, 100.00 feet;

THENCE North 32 degrees 47 minutes 30 seconds West, 200.00 feet to the southeasterly side of First Street;

THENCE along the southeasterly side of First Street, North 57 degrees 12 minutes 30 seconds East, 100 feet to the northwesterly side of Ridgewood Avenue;

THENCE along the northwesterly side of Ridgewood Avenue the following two (2) courses and distances:

1. South 32 degrees 47 minutes 30 seconds East, 303.31 feet;

2. South 17 degrees 32 minutes 30 seconds East, 411.17 feet to the northwesterly side of Second Street;

THENCE along the northwesterly side of Second Street, South 57 degrees 12 minutes 30 seconds West, 91.85 feet to the northeasterly side of Emener Avenue;

THENCE along the northeasterly side of Emener Avenue, North 32 degrees 47 minutes 30 seconds West, 500.00 feet to the point or place of BEGINNING.

Said parcel contains 2.3 acres, more or less.

§ 5. In the event that the fair market value of the parklands to be dedicated by the town of Brookhaven described in section four of this act are not equal to or greater than the fair market value of the parklands to be discontinued in section three of this act, the town of

Brookhaven shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Brookhaven 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 parklands authorized by the provisions of this act shall not occur until the town of Brookhaven has complied with any federal requirements pertaining to the alienation or conversion of 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.

§ 7. This act shall take effect immediately.