STATE OF NEW YORK

8526--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

Introduced by M. of A. GIGLIO -- 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 in relation to authorizing 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:

Section 1. (a) Subject to the provisions of this act, the town of Brookhaven, 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 to lease at fair market value to LI Smart Solutions LLC for a term not to exceed thirty years, the lands more particularly described in section two of this act for the placement and operation of a wireless communication tower. In addition, the town of Brookhaven, in the county of Suffolk, acting by and through its town board is hereby authorized to convey an easement to LI Smart Solutions LLC over certain municipally owned park lands described in section three of this act, to maintain an access road for the purposes described in section three of this act, provided that the thoroughfare shall be publicly accessible and able to be used for park purposes.

(b) All proceeds from such lease shall be used for capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities, and the town of Brookhaven shall dedicate an amount equal to or greater than the fair market value of the easement interests being conveyed by this section for capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities.

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

LBD11775-03-5

§ 2. The parklands authorized by section one of this act to be discontinued as parklands and leased are more particularly described as follows:

LEASE AREA A -

A PORTION OF ROLLING OAKS GOLF COURSE, ROCKY POINT

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED LYING AND BEING AT ROCKY POINT AND BEING IN THE TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) AT THE EXTREME SOUTHERLY END OF THE ARC OF A CURVE HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 32.07 FEET WHICH CONNECTS THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) AND THE WESTERLY SIDE OF FAIRWAY DRIVE.

RUNNING THENCE ALONG THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) IN A WESTERLY DIRECTION A DISTANCE TO THE WEST 1129.33 FEET TO A POINT.

THENCE RUNNING NORTH 10 DEGREES 11 MINUTES 22 SECONDS EAST 250.38 FEET TO A POINT.

RUNNING THENCE NORTH 10 DEGREES 11 MINUTES 22 SECONDS EAST 50.00 FEET TO THE POINT OR PLACE OF BEGINNING.

RUNNING THENCE NORTH 79 DEGREES 48 MINUTES 38 SECONDS WEST 50.00 FEET TO A POINT.

RUNNING THENCE NORTH 10 DEGREES 11 MINUTES 22 SECONDS EAST 50.00 FEET TO A POINT.

RUNNING THENCE SOUTH 79 DEGREES 48 MINUTES 38 SECONDS EAST 50.00 FEET TO A POINT.

RUNNING THENCE SOUTH 10 DEGREES 11 MINUTES 22 SECONDS WEST 50.00 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING .0573 acres, MORE OR LESS.

§ 3. The easement to be conveyed by section one of this act is more particularly described as follows:

EASEMENT AREA A -

A 15-foot-wide easement for vehicular and pedestrian access to Lease Area A and for utilities to service the structures in Lease Area A along the existing roadway which runs from North Country Road to the Lease Area A, said easement area being described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED LYING AND BEING AT ROCKY POINT AND BEING IN THE TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) AT THE EXTREME SOUTHERLY END OF THE ARC OF A CURVE HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 32.07 FEET WHICH CONNECTS THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) AND THE WESTERLY SIDE OF FAIRWAY DRIVE.

RUNNING THENCE ALONG THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE 25-A) IN A WESTERLY DIRECTION A DISTANCE OF 1164.33 FEET TO THE PLACE OR POINT OF BEGINNING.

RUNNING THENCE NORTH 79 DEGREES 48 MINUTES 38 SECONDS WEST 15.00 FEET TO A POINT.

RUNNING THENCE NORTH 10 DEGREES 11 MINUTES 22 SECONDS EAST 299.98 FEET TO A POINT.

RUNNING THENCE SOUTH 79 DEGREES 48 MINUTES 38 SECONDS EAST 15.00 FEET TO A POINT.

RUNNING THENCE SOUTH 10 DEGREES 11 MINUTES 22 SECONDS WEST 299.98 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING .103 acres, MORE OR LESS.

§ 4. Should the leased lands described in section two of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Brookhaven for public park and recreational purposes and the easement described in section three of this act for access shall also revert and be extinguished. At the time of such reversion, the removal of such wireless communication tower shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 5. 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 sections two and three of this act, the discontinuance and alienation of such parkland 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 parkland, 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.

§ 6. This act shall take effect immediately.