STATE OF NEW YORK

10161

IN SENATE

May 1, 2026

Introduced by Sens. MARTINEZ, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT in relation to authorizing and directing the conveyance of a conservation easement over certain state-owned lands in the hamlets of Setauket and Port Jefferson Station, Suffolk County

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

Section 1. Legislative findings and intent. 1. The legislature hereby finds and declares that:

(a) Certain lands located in the hamlets of Setauket and Port Jefferson Station, Suffolk County, under the jurisdiction of the New York State Department of Transportation, constitute an ecologically significant greenway corridor providing tree canopy, non-motorized transportation opportunities to connect to businesses and community uses, and passive recreational opportunities.

(b) Preservation of such lands is consistent with article 49 of the environmental conservation law, including but not limited to sections 49-0301 and 49-0305 of such law.

(c) The permanent protection of such lands through a conservation easement serves the public interest.

(d) Limited flexibility may be necessary in the future to accommodate transportation safety, environmental restoration, or other public purposes, provided that conservation value of this corridor is not diminished.

2. Accordingly, it is the purpose of this act to authorize and direct the granting of a perpetual conservation easement while establishing strict standards for any future limited modification.

§ 2. Conservation easement authorization. 1. Notwithstanding any inconsistent provision of law, the commissioner of transportation is hereby authorized and directed, pursuant to article 49, title 3 of the environmental conservation law, including but not limited to sections 49-0303 and 49-0305, to grant a perpetual conservation easement over certain real property under the jurisdiction of the department located

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

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in Suffolk County, commonly referred to as the Setauket-Port Jefferson Station Greenway corridor.

2. Such conservation easement shall:

(a) prohibit residential, commercial, industrial, or roadway development inconsistent with open space preservation;

(b) preserve the property in its natural, scenic, and open space condition;

(c) permit passive recreational uses including trails, walking paths, habitat restoration, and environmental education; and

(d) run with the land in perpetuity.

3. The easement shall be granted to one or more of the following entities, subject to acceptance:

(a) the commissioner of the New York State Office of Parks, Recreation and Historic Preservation;

(b) Suffolk County;

(c) the Town of Brookhaven;

(d) a not-for-profit conservation organization qualified under subdivision one of section 49-0305 of the environmental conservation law.

§ 3. Limited modification and re-routing authority. 1. Notwithstanding section 49-0307 of the environmental conservation law, the conservation easement authorized by this act may be amended solely for the purpose of boundary adjustments or re-routing of trail alignments, provided that:

(a) such amendment is necessary to address infrastructure protection, environmental restoration, or other demonstrated public necessity;

(b) there shall be no net loss of acreage subject to the easement;

(c) any lands removed from easement protection shall be replaced contemporaneously with lands of equal or greater acreage, fair market value, ecological function, and public recreational utility within the same municipality or adjacent municipality in Suffolk County;

(d) the substituted lands shall be permanently protected by a conservation easement of equal or greater restriction;

(e) the holder of the easement consents in writing; and

(f) the commissioner of environmental conservation determines that the amendment is consistent with article 49 of the environmental conservation law and will not materially impair conservation purposes.

2. Any such amendment shall be:

(a) subject to public notice and a minimum thirty-day public comment period; and

(b) accompanied by written findings demonstrating compliance with this section.

3. No amendment shall authorize development of a type or scale otherwise prohibited under this act.

§ 4. Public lands law compliance. 1. The granting of such easement and any amendment consistent with section three of this act is deemed to serve a public purpose.

2. To the extent applicable, section three of the public lands law shall be satisfied by the enactment of this act and compliance with section three of this act.

§ 5. Survey and description. Prior to conveyance or amendment, the commissioner of transportation shall cause a survey and metes and bounds description to be prepared and filed.

§ 6. Severability. 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.

§ 7. This act shall take effect immediately.