

STATE OF NEW YORK

7873--A

2025-2026 Regular Sessions

IN SENATE

May 12, 2025

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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:

1 Section 1. (a) Subject to the provisions of this act, the town of
2 Brookhaven, in the county of Suffolk, acting by and through its govern-
3 ing body, and upon such terms and conditions as determined by such body,
4 is hereby authorized to discontinue as parklands and to lease at fair
5 market value to LI Smart Solutions LLC for a term not to exceed thirty
6 years, the lands more particularly described in section two of this act
7 for the placement and operation of a wireless communication tower. In
8 addition, the town of Brookhaven, in the county of Suffolk, acting by
9 and through its town board is hereby authorized to convey an easement to
10 LI Smart Solutions LLC over certain municipally owned park lands
11 described in section three of this act, to maintain an access road for
12 the purposes described in section three of this act, provided that the
13 thoroughfare shall be publicly accessible and able to be used for park
14 purposes.

15 (b) All proceeds from such lease shall be used for capital improve-
16 ments to existing park and recreational facilities and/or for the acqui-
17 sition of additional park and recreational facilities, and the town of
18 Brookhaven shall dedicate an amount equal to or greater than the fair
19 market value of the easement interests being conveyed by this section
20 for capital improvements to existing park and recreational facilities
21 and/or for the acquisition of additional park and recreational facili-
22 ties.

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

LBD11775-04-5

1 § 2. The parklands authorized by section one of this act to be discon-
2 tinued as parklands and leased are more particularly described as
3 follows:

4 LEASE AREA A -

5 A PORTION OF ROLLING OAKS GOLF COURSE, ROCKY POINT
6 ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND WITH THE BUILDINGS AND
7 IMPROVEMENTS THEREON ERECTED LYING AND BEING AT ROCKY POINT AND BEING IN
8 THE TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BOUNDED
9 AND DESCRIBED AS FOLLOWS:

10 BEGINNING AT A POINT ON THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW
11 YORK STATE ROUTE 25-A) AT THE EXTREME SOUTHERLY END OF THE ARC OF A
12 CURVE HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 32.07 FEET WHICH
13 CONNECTS THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE
14 25-A) AND THE WESTERLY SIDE OF FAIRWAY DRIVE.

15 RUNNING THENCE ALONG THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW
16 YORK STATE ROUTE 25-A) IN A WESTERLY DIRECTION A DISTANCE TO THE WEST
17 1129.33 FEET TO A POINT.

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

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

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

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

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

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

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

33 EASEMENT AREA A -

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

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

42 BEGINNING AT A POINT ON THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW
43 YORK STATE ROUTE 25-A) AT THE EXTREME SOUTHERLY END OF THE ARC OF A
44 CURVE HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 32.07 FEET WHICH
45 CONNECTS THE NORTHERLY SIDE OF NORTH COUNTRY ROAD (NEW YORK STATE ROUTE
46 25-A) AND THE WESTERLY SIDE OF FAIRWAY DRIVE.

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

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

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

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

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

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

12 § 5. In the event that the town of Brookhaven received any funding
13 support or assistance from the federal government for the purchase,
14 maintenance or improvement of the parklands set forth in sections two
15 and three of this act, the discontinuance and alienation of such park-
16 land authorized by the provisions of this act shall not occur until the
17 town of Brookhaven has complied with any federal requirements pertaining
18 to the alienation or conversion of parkland, including satisfying the
19 secretary of the interior that the alienation or conversion complies
20 with all conditions which the secretary of the interior deems necessary
21 to assure the substitution of other lands shall be equivalent in fair
22 market value and usefulness to the lands being alienated or converted.

23 § 6. This act shall take effect immediately.