STATE OF NEW YORK

9079--A

IN SENATE

January 29, 2026

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 in Suffolk county to alienate certain lands used as parklands for the purposes of installing a cellular tower

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 board is hereby authorized to discontinue as parklands and to lease at fair market value to Tag Towers 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 Tag Towers LLC over certain municipally owned parklands described in section three of this act for the purposes of Tag Towers LLC's access and the installation, operation and maintenance of a subsurface electrical cable, provided, however, that upon completion of the installation, Tag Towers LLC shall restore the surface of the lands and the lands shall continue 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 interest authorized to be conveyed by this section for capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities.

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

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

LBD14480-06-6

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN SOUTH SETAUKET, THE TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK AND THE STATE OF NEW YORK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CAP AND PIN SET ON THE SOUTHERLY SIDE OF NESCONSET PORT JEFFERSON HIGHWAY (S.R. 347) FOLLOWING THESE COURSES AND DISTANCES TO THE POINT OF BEGINNING; THENCE SOUTH 49 DEGREES 40 MINUTES 01 SECONDS WEST 84.39 FEET; THENCE SOUTH 22 DEGREES 06 MINUTES 29 SECONDS EAST, 253.89 FEET; THENCE ALONG A CURVE BEARING TO THE LEFT WITH A RADIUS OF 70.00 FEET AND A LENGTH OF 90.79 FEET; THENCE NORTH 83 DEGREES 34 MINUTES 40 SECONDS EAST, 493.56 FEET: THENCE SOUTH 06 DEGREES 25 MINUTES 20 SECONDS EAST 498.35 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 01 SECONDS WEST, 246.26 FEET TO THE POINT OR PLACE OF BEGINNING;

RUNNING THENCE SOUTH 71 DEGREES 12 MINUTES 59 SECONDS EAST, 83.00 FEET; THENCE SOUTH 18 DEGREES 47 MINUTES 01 SECONDS WEST, 30.00 FEET; THENCE NORTH 71 DEGREES 12 MINUTES 59 SECONDS WEST, 83.00 FEET; THENCE NORTH 18 DEGREES 47 MINUTES 01 SECONDS EAST, 30.00 FEET TO THE POINT OF BEGINNING.

Containing within said bounds .057 acres, more or less.

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

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN SOUTH SETAUKET, THE TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK AND THE STATE OF NEW YORK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A CAP AND PIN SET ON THE SOUTHERLY SIDE OF NESCONSET PORT JEFFERSON HIGHWAY (S.R. 347) RUNNING THENCE SOUTH 49 DEGREES 40 MINUTES 01 SECONDS WEST 84.39 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 22 DEGREES 06 MINUTES 29 SECONDS EAST, 253.89 FEET;

THENCE ALONG A CURVE BEARING THE LEFT WITH A RADIUS OF 70.00 FEET AND A LENGTH OF 90.79 FEET;

THENCE: NORTH 83 DEGREES 34 MINUTES 40 SECONDS EAST, 493.56 FEET;

THENCE SOUTH 06 DEGREES 25 MINUTES 20 SECONDS EAST, 498.35 FEET;

THENCE SOUTH 18 DEGREES 47 MINUTES 01 SECONDS WEST 276.26 FEET;

THENCE NORTH 71 DEGREES 12 MINUTES 59 SECONDS WEST, 15.00 FEET;

THENCE NORTH 18 DEGREES 47 MINUTES 01 SECONDS EAST, 272.90 FEET;

THENCE NORTH 06 DEGREES 25 MINUTES 20 SECONDS WEST, 479.99 FEET;

THENCE SOUTH 83 DEGREES 34 MINUTES 40 SECONDS WEST, 478.56 FEET;

THENCE ALONG A CURVE BEARING TO THE RIGHT WITH A RADIUS OF 85.00 FEET AND A LENGTH OF 110.25 FEET;

THENCE NORTH 22 DEGREES 06 MINUTES 29 SECONDS WEST, 248.95 FEET;

THENCE NORTH 49 DEGREES 40 MINUTES 01 SECONDS EAST, 15.79 FEET;

TO THE POINT OF BEGINNING.

Containing within said bounds .552 acres, more or less.

§ 4. Should the 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 terminated. 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 park-

land 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.

§ 6. This act shall take effect immediately.