

STATE OF NEW YORK

6724

2017-2018 Regular Sessions

IN SENATE

June 14, 2017

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to authorize the city of New York to discontinue the use as parkland of a portion of Corporal Fischer Park in the borough of the Bronx and to sell and convey such land upon terms and conditions to facilitate the construction of affordable housing

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

1 Section 1. Subject to the provisions of this act, the city of New
2 York, acting by and through the commissioner of parks and recreation of
3 such city, is authorized to discontinue the use as parkland of the land
4 described in section three of this act, a part of Corporal Fischer Park
5 in the borough of the Bronx, which will no longer be developed for park
6 purposes. The city of New York, acting by and through the department of
7 housing preservation and development of such city, is authorized to sell
8 and convey such discontinued parkland to facilitate the construction of
9 a housing project in which one hundred percent of the dwelling units
10 will be occupied by persons of low income as defined in section 2 of the
11 private housing finance law and upon such other terms and conditions as
12 determined by the department of housing preservation and development.

13 § 2. The authorization provided in section one of this act shall be
14 subject to the requirement that the city of New York shall dedicate the
15 land described in section four of this act, known as Corporal Irwin
16 Fischer place and which has never been used for park purposes, as park-
17 land. Such dedicated lands shall be added to the part of Corporal Fisch-
18 er park that is not being discontinued pursuant to this act to form a
19 newly configured Corporal Fischer park. The authorization contained in
20 section one of this act shall also be subject to the requirement that
21 the city of New York perform capital improvements to the Corporal Fisch-
22 er park that shall be newly configured pursuant to this act so that the
23 value of such dedicated lands and capital improvements are equal to or

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

LBD13195-02-7

S. 6724

2

1 greater than the fair market value of the lands being discontinued as
2 parkland described in section three of this act.

3 § 3. The land authorized to be discontinued as parkland and conveyed
4 is bounded and described as follows:

5 ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, WITH THE BUILDINGS
6 AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE
7 BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK AND BEING MORE
8 PARTICULARLY DESCRIBED AS FOLLOWS:

9 BEGINNING AT A POINT IN THE NORTHERLY LINE OF WEST 169TH STREET AS
10 MEASURED EASTWARDLY A DISTANCE OF 92.31 FEET ALONG THE SAME FROM ITS
11 INTERSECTION WITH THE EASTERLY LINE OF NELSON AVENUE AND FROM SAID POINT
12 RUNS; THENCE

13 1) NORTHWESTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1,
14 BLOCK 2519 FORMING AN INTERIOR ANGLE OF 104 DEGREES 23 MINUTES 56
15 SECONDS, A DISTANCE OF 98.92 FEET TO A POINT, THENCE;

16 2) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1, BLOCK
17 2519 FORMING AN INTERIOR ANGLE OF 86 DEGREES 39 MINUTES 38 SECONDS, A
18 DISTANCE OF 25.00 FEET TO A POINT CORNER TO LOT 27, THENCE;

19 3) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 27 AND LOT 1, BLOCK
20 2519 FORMING AN EXTERIOR ANGLE OF 179 DEGREES 11 MINUTES 37 SECONDS, A
21 DISTANCE OF 99.17 FEET TO A POINT IN THE DIVISION LINE BETWEEN LOT 27
22 AND THE WESTERLY LINE OF LOTS 19 THROUGH 25, BLOCK 2519, THENCE;

23 4) SOUTHEASTWARDLY ALONG THE SAID DIVISION LINE BETWEEN LOT 27 AND
24 LOTS 19 THROUGH 25, BLOCK 2519 FORMING AN INTERIOR ANGLE OF 101 DEGREES
25 48 MINUTES 09 SECONDS, A DISTANCE OF 132.11 FEET TO A POINT IN THE AFOR-
26 ESAID NORTHERLY LINE OF WEST 169TH STREET, THENCE;

27 5) WESTWARDLY ALONG THE SAME FORMING AN INTERIOR ANGLE OF 66 DEGREES
28 19 MINUTES 54 SECONDS, A DISTANCE OF 150.01 FEET TO THE POINT AND PLACE
29 OF BEGINNING.

30 CONTAINING 15,192 SQUARE FEET OR 0.3488 ACRES.

31 § 4. The land to be dedicated as parkland is Corporal Irwin Fischer
32 Place from Nelson Ave. to Shakespeare Ave., Borough and County of The
33 Bronx, City and State of New York, more particularly described as
34 follows:

35 Starting at a Point of Beginning located on the easterly street line
36 of Nelson Avenue, said point being distant 96.897 feet southerly along
37 said easterly street line of Nelson Ave. from its intersection with the
38 southerly street line of West 170th Street, as those streets were
39 hereinbefore laid out on the City Map;

40 1) Running thence southerly, along the easterly street line of Nelson
41 Ave., 55.610 feet to its intersection with former southerly street line
42 of Corporal Irwin Fischer Place;

43 2) Running thence easterly, along the former southerly street line of
44 Corporal Irwin Fischer Place, said course forming an interior angle with
45 the last mentioned course of 64 degrees 02 minutes 40 seconds, 247.229
46 feet to the westerly street line of Shakespeare Ave.;

47 3) Running thence northerly, along the westerly street line of Shakes-
48 peare Ave., said course forming an interior angle with the last
49 mentioned course of 91 degrees 43 minutes 50 seconds, 48.578 feet to the
50 intersection with the newly established southerly street line of West
51 170th Street;

52 4) Running thence westerly, along said newly established southerly
53 street line of West 170th Street, said course forming an interior angle
54 with the last mentioned course of 114 degrees 13 minutes 30 seconds,
55 7.359 feet to the intersection with the former westerly street line of
56 Corporal Irwin Fischer Place;

S. 6724

3

1 5) Running thence southerly, along the former westerly street line of
2 Corporal Irwin Fischer Place, said course forming an interior angle with
3 the last mentioned course of 90 degrees 00 minutes 00 seconds, 1.976
4 feet to its intersection with the former northerly street line of Corpo-
5 ral Irwin Fischer Place;

6 6) Running thence westerly, along said former northerly street line of
7 Corporal Irwin Fischer Place, said course forming an interior angle with
8 the last mentioned course of 244 degrees 02 minutes 40 seconds, 216.875
9 feet to the Point or Place of Beginning.

10 The area described above consists of 11,793 square feet, more or less,
11 located in the County of the Bronx.

12 § 5. If the city of New York department of housing preservation and
13 development fails to convey the discontinued parkland to facilitate the
14 construction of a housing project for occupancy by persons of low income
15 as defined in section 2 of the private housing finance law, then such
16 property shall revert back to the city of New York, department of parks
17 and recreation to be used for park and recreational purposes.

18 § 6. If the parkland that is the subject of this act has received
19 funding pursuant to the federal land and water conservation fund, the
20 discontinuance of parkland authorized by the provisions of this act
21 shall not occur until the city of New York has complied with the federal
22 requirements pertaining to the conversion of parklands, including satis-
23 fying the secretary of the interior that the discontinuance will include
24 all conditions which the secretary of the interior deems necessary to
25 assure the substitution of other lands shall be equivalent in fair
26 market value and recreational usefulness to the lands being discontin-
27 ued.

28 § 7. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S6724

SPONSOR: SERRANO

TITLE OF BILL: An act to authorize the city of New York to discontinue the use as parkland of a portion of Corporal Fischer Park in the borough of the Bronx and to sell and convey such land upon terms and conditions to facilitate the construction of affordable housing

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to authorize New York City to alienate certain parkland.

SUMMARY OF PROVISIONS:

This legislation would:

*authorize the City of New York, acting by the Commissioner of the Department of Parks and Recreation, of such city to discontinue the use as parkland of a part of Corporal Fischer Park in the borough of the Bronx, described in Section 4, and to sell such land upon terms and conditions to facilitate the construction of affordable housing project in which one hundred percent of the dwelling units will be occupied by persons of low income as defined in Section 2 of the Private Housing Finance Law;

*require that the city of New York to dedicate certain land known as Corporal Irwin Fischer Place as parkland to be added to the part of Corporal Fischer Park that is not being discontinued pursuant to this act to form a newly configured Corporal Fisher Park;

*require the authorization contained in section one of this act to be subject to condition that New York City perform capital improvements to the newly configured Corporal Fischer Park so that the value of such dedicate lands and capital improvements are equal to or greater than the fair market value of the lands being discontinued as parkland;

*require, if the New York City Department of Housing Preservation and Development fails to convey the discontinued parkland to facilitate the construction of a housing project for occupancy by persons of low income as defined in section two of the Private Housing Finance Law, such property to revert back to the New York City Department of Parks and Recreation to be used for park and recreational purposes; and,

*require, if the parkland to be discontinued received funds pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by this act will not take place until the city has complied with the federal requirements pertaining to the conversion of

parkland, including satisfying all conditions that the secretary of the interior deems necessary to assure that the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being discontinued.

JUSTIFICATION:

In the 1990s, the Department of Parks and Recreation ("Parks") sought city approvals for the acquisition of a privately owned parcel (Block 2519, Lot 1) located between several city-owned properties, in order to create a cohesive 1.5-acre park to be known as Corporal Fischer Park. The park was to be created by combining the private lot with several city-owned lots assigned to Parks (Block 2520, Lot 19; Block 2519, Lots 27 & 32), along with Corporal Irwin Fischer Place, an unbuilt mapped street. The city was unable to acquire the privately owned lot which was subsequently developed by the owner as housing, and the city-owned lots were never improved for park purposes. Given the development of the private lot as housing, the previously envisioned 1.5-acre Corporal Fisher Park is no longer practical.

This legislation, and the related commitment of various city departments and agencies, will ensure the alienation of parkland to provide for the construction of affordable housing in a Bronx County community in which the availability of affordable housing, particularly for seniors, is an unmet need. This affordable housing will be constructed on the southern city-owned lots (Block 2519, Lots 27 & 32). Accordingly under this legislation, as part of the current land use application ULURP 170305 MMX, the city will alienate Blocks 2519, Lots 27 & 32.

This legislation, and the related commitment of various city departments and agencies, will also ensure that the northern city-owned lot (Block 2520, Lot 19), along with the unbuilt Corporal Irwin Fischer Place, will be developed as parkland. Accordingly under this legislation, Block 2520, Lot 19, along with Corporal Fischer Irwin Place, would be mapped as a park and serve as replacement parkland. As a result of this reconfiguration, the city would be able to move forward with the design and development of a more cohesive and functional Corporal Fischer Park and additional units of much needed affordable housing will be ensured.

PRIOR LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None to the State.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

8422

2017-2018 Regular Sessions

IN ASSEMBLY

June 14, 2017

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Cities

AN ACT to authorize the city of New York to discontinue the use as parkland of a portion of Corporal Fischer Park in the borough of the Bronx and to sell and convey such land upon terms and conditions to facilitate the construction of affordable housing

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

1 Section 1. Subject to the provisions of this act, the city of New
2 York, acting by and through the commissioner of parks and recreation of
3 such city, is authorized to discontinue the use as parkland of the land
4 described in section three of this act, a part of Corporal Fischer Park
5 in the borough of the Bronx, which will no longer be developed for park
6 purposes. The city of New York, acting by and through the department of
7 housing preservation and development of such city, is authorized to sell
8 and convey such discontinued parkland to facilitate the construction of
9 a housing project in which one hundred percent of the dwelling units
10 will be occupied by persons of low income as defined in section 2 of the
11 private housing finance law and upon such other terms and conditions as
12 determined by the department of housing preservation and development.

13 § 2. The authorization provided in section one of this act shall be
14 subject to the requirement that the city of New York shall dedicate the
15 land described in section four of this act, known as Corporal Irwin
16 Fischer place and which has never been used for park purposes, as park-
17 land. Such dedicated lands shall be added to the part of Corporal Fisch-
18 er park that is not being discontinued pursuant to this act to form a
19 newly configured Corporal Fischer park. The authorization contained in
20 section one of this act shall also be subject to the requirement that
21 the city of New York perform capital improvements to the Corporal Fisch-
22 er park that shall be newly configured pursuant to this act so that the
23 value of such dedicated lands and capital improvements are equal to or

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

LBD13195-02-7

A. 8422

2

1 greater than the fair market value of the lands being discontinued as
2 parkland described in section three of this act.

3 § 3. The land authorized to be discontinued as parkland and conveyed
4 is bounded and described as follows:

5 ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, WITH THE BUILDINGS
6 AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE
7 BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK AND BEING MORE
8 PARTICULARLY DESCRIBED AS FOLLOWS:

9 BEGINNING AT A POINT IN THE NORTHERLY LINE OF WEST 169TH STREET AS
10 MEASURED EASTWARDLY A DISTANCE OF 92.31 FEET ALONG THE SAME FROM ITS
11 INTERSECTION WITH THE EASTERLY LINE OF NELSON AVENUE AND FROM SAID POINT
12 RUNS; THENCE

13 1) NORTHWESTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1,
14 BLOCK 2519 FORMING AN INTERIOR ANGLE OF 104 DEGREES 23 MINUTES 56
15 SECONDS, A DISTANCE OF 98.92 FEET TO A POINT, THENCE;

16 2) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1, BLOCK
17 2519 FORMING AN INTERIOR ANGLE OF 86 DEGREES 39 MINUTES 38 SECONDS, A
18 DISTANCE OF 25.00 FEET TO A POINT CORNER TO LOT 27, THENCE;

19 3) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 27 AND LOT 1, BLOCK
20 2519 FORMING AN EXTERIOR ANGLE OF 179 DEGREES 11 MINUTES 37 SECONDS, A
21 DISTANCE OF 99.17 FEET TO A POINT IN THE DIVISION LINE BETWEEN LOT 27
22 AND THE WESTERLY LINE OF LOTS 19 THROUGH 25, BLOCK 2519, THENCE;

23 4) SOUTHEASTWARDLY ALONG THE SAID DIVISION LINE BETWEEN LOT 27 AND
24 LOTS 19 THROUGH 25, BLOCK 2519 FORMING AN INTERIOR ANGLE OF 101 DEGREES
25 48 MINUTES 09 SECONDS, A DISTANCE OF 132.11 FEET TO A POINT IN THE AFOR-
26 ESAID NORTHERLY LINE OF WEST 169TH STREET, THENCE;

27 5) WESTWARDLY ALONG THE SAME FORMING AN INTERIOR ANGLE OF 66 DEGREES
28 19 MINUTES 54 SECONDS, A DISTANCE OF 150.01 FEET TO THE POINT AND PLACE
29 OF BEGINNING.

30 CONTAINING 15,192 SQUARE FEET OR 0.3488 ACRES.

31 § 4. The land to be dedicated as parkland is Corporal Irwin Fischer
32 Place from Nelson Ave. to Shakespeare Ave., Borough and County of The
33 Bronx, City and State of New York, more particularly described as
34 follows:

35 Starting at a Point of Beginning located on the easterly street line
36 of Nelson Avenue, said point being distant 96.897 feet southerly along
37 said easterly street line of Nelson Ave. from its intersection with the
38 southerly street line of West 170th Street, as those streets were
39 hereinbefore laid out on the City Map;

40 1) Running thence southerly, along the easterly street line of Nelson
41 Ave., 55.610 feet to its intersection with former southerly street line
42 of Corporal Irwin Fischer Place;

43 2) Running thence easterly, along the former southerly street line of
44 Corporal Irwin Fischer Place, said course forming an interior angle with
45 the last mentioned course of 64 degrees 02 minutes 40 seconds, 247.229
46 feet to the westerly street line of Shakespeare Ave.;

47 3) Running thence northerly, along the westerly street line of Shakes-
48 peare Ave., said course forming an interior angle with the last
49 mentioned course of 91 degrees 43 minutes 50 seconds, 48.578 feet to the
50 intersection with the newly established southerly street line of West
51 170th Street;

52 4) Running thence westerly, along said newly established southerly
53 street line of West 170th Street, said course forming an interior angle
54 with the last mentioned course of 114 degrees 13 minutes 30 seconds,
55 7.359 feet to the intersection with the former westerly street line of
56 Corporal Irwin Fischer Place;

A. 8422

3

1 5) Running thence southerly, along the former westerly street line of
2 Corporal Irwin Fischer Place, said course forming an interior angle with
3 the last mentioned course of 90 degrees 00 minutes 00 seconds, 1.976
4 feet to its intersection with the former northerly street line of Corpo-
5 ral Irwin Fischer Place;

6 6) Running thence westerly, along said former northerly street line of
7 Corporal Irwin Fischer Place, said course forming an interior angle with
8 the last mentioned course of 244 degrees 02 minutes 40 seconds, 216.875
9 feet to the Point or Place of Beginning.

10 The area described above consists of 11,793 square feet, more or less,
11 located in the County of the Bronx.

12 § 5. If the city of New York department of housing preservation and
13 development fails to convey the discontinued parkland to facilitate the
14 construction of a housing project for occupancy by persons of low income
15 as defined in section 2 of the private housing finance law, then such
16 property shall revert back to the city of New York, department of parks
17 and recreation to be used for park and recreational purposes.

18 § 6. If the parkland that is the subject of this act has received
19 funding pursuant to the federal land and water conservation fund, the
20 discontinuance of parkland authorized by the provisions of this act
21 shall not occur until the city of New York has complied with the federal
22 requirements pertaining to the conversion of parklands, including satis-
23 fying the secretary of the interior that the discontinuance will include
24 all conditions which the secretary of the interior deems necessary to
25 assure the substitution of other lands shall be equivalent in fair
26 market value and recreational usefulness to the lands being discontin-
27 ued.

28 § 7. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A8422

SPONSOR: Joyner

TITLE OF BILL: An act to authorize the city of New York to discontinue the use as parkland of a portion of Corporal Fischer Park in the borough of the Bronx and to sell and convey such land upon terms and conditions to facilitate the construction of affordable housing

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to authorize New York City to alienate certain parkland.

SUMMARY OF PROVISIONS:

This legislation would:

*authorize the City of New York, acting by the Commissioner of the Department of Parks and Recreation, of such city to discontinue the use as parkland of a part of Corporal Fischer Park in the borough of the Bronx, described in Section 4, and to sell such land upon terms and conditions to facilitate the construction of affordable housing project in which one hundred percent of the dwelling units will be occupied by persons of low income as defined in Section 2 of the Private Housing Finance Law;

*require that the city of New York to dedicate certain land known as Corporal Irwin Fischer Place as parkland to be added to the part of Corporal Fischer Park that is not being discontinued pursuant to this act to form a newly configured Corporal Fisher Park;

*require the authorization contained in section one of this act to be subject to condition that New York City perform capital improvements to the newly configured Corporal Fischer Park so that the value of such dedicate lands and capital improvements are equal to or greater than the fair market value of the lands being discontinued as parkland;

*require, if the New York City Department of Housing Preservation and Development fails to convey the discontinued parkland to facilitate the construction of a housing project for occupancy by persons of low income as defined in section two of the Private Housing Finance Law, such property to revert back to the New York City Department of Parks and Recreation to be used for park and recreational purposes; and,

*require, if the parkland to be discontinued received funds pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by this act will not take place until the city has complied with the federal requirements pertaining to the conversion of

parkland, including satisfying all conditions that the secretary of the interior deems necessary to assure that the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being discontinued.

JUSTIFICATION:

In the 1990s, the Department of Parks and Recreation ("Parks") sought city approvals for the acquisition of a privately owned parcel (Block 2519, Lot 1) located between several city-owned properties, in order to create a cohesive 1.5-acre park to be known as Corporal Fischer Park. The park was to be created by combining the private lot with several city-owned lots assigned to Parks (Block 2520, Lot 19; Block 2519, Lots 27 & 32), along with Corporal Irwin Fischer Place, an unbuilt mapped street. The city was unable to acquire the privately owned lot which was subsequently developed by the owner as housing, and the city-owned lots were never improved for park purposes. Given the development of the private lot as housing, the previously envisioned 1.5-acre Corporal Fisher Park is no longer practical.

This legislation, and the related commitment of various city departments and agencies, will ensure the alienation of parkland to provide for the construction of affordable housing in a Bronx County community in which the availability of affordable housing, particularly for seniors, is an unmet need. This affordable housing will be constructed on the southern city-owned lots (Block 2519, Lots 27 & 32). Accordingly under this legislation, as part of the current land use application ULURP 170305 MMX, the city will alienate Blocks 2519, Lots 27 & 32.

This legislation, and the related commitment of various city departments and agencies, will also ensure that the northern city-owned lot (Block 2520, Lot 19), along with the unbuilt Corporal Irwin Fischer Place, will be developed as parkland. Accordingly under this legislation, Block 2520, Lot 19, along with Corporal Fischer Irwin Place, would be mapped as a park and serve as replacement parkland. As a result of this reconfiguration, the city would be able to move forward with the design and development of a more cohesive and functional Corporal Fischer Park and additional units of much needed affordable housing will be ensured.

PRIOR LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None to the State.

EFFECTIVE DATE:

This act shall take effect immediately.