

# STATE OF NEW YORK

3282--A

2025-2026 Regular Sessions

## IN SENATE

January 24, 2025

Introduced by Sen. S. RYAN -- 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 discontinuance of certain parklands in the town of Amherst, county of Erie

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 town of Amherst,  
2 county of Erie, is hereby authorized, acting by and through its govern-  
3 ing body, and upon such terms and conditions as determined by such  
4 governing body, to discontinue as parklands and to lease at fair market  
5 value to Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for a  
6 term not to exceed thirty years the lands more particularly described in  
7 section three of this act for the placement and operation of a wireless  
8 communications tower.

9 § 2. The authorization contained in section one of this act shall only  
10 be effective on the condition that the town of Amherst, county of Erie,  
11 dedicate the proceeds from the lease towards the acquisition of new  
12 parklands and/or capital improvements to existing park and recreational  
13 facilities.

14 § 3. The parklands authorized by section one of this act to be discon-  
15 tinued as parkland are described as follows:

16 All that tract or parcel of land situate in the Town of Amherst, Coun-  
17 ty of Erie, State of New York, all as shown on a map entitled "Sworm-  
18 ville Survey Plan", prepared by Costich Engineering, D.P.C., having  
19 drawing number 8997, sheet number VA101, last dated 11/25/2024, and  
20 being more particularly bounded and described as follows:

21 Commencing at a 0.75" pipe found on the assumed common line of lands  
22 now or formerly owned by Charles Herberger (T.A.#28.04-1-52.11) to the  
23 west and lands now or formerly owned by the Town of Amherst

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

LBD06775-05-5

1 (T.A.#28.04-1-45) to the east, said point also being on the assumed  
2 southerly right of way line of Smith Street-County Route 297 (66'  
3 R.O.W.); thence  
4 1. S47°10'44"E, along the assumed southerly bounds of Smith Street-  
5 County Route 297, a distance of 38.33 feet to a point of curvature;  
6 thence  
7 2. Southerly along a curve to the left having a delta angle of  
8 16°59'34", a radius of 71.00 feet, and an arc length of 21.06 feet, said  
9 curve also having a chord of S31°41'25"W 20.98 feet to a point; thence  
10 3. S23°11'38"W, a distance of 82.89 feet to a point of curvature;  
11 thence  
12 4. Southerly along a curve to the right having a delta angle of  
13 29°38'29", a radius of 85.00 feet, and an arc length of 43.97 feet, said  
14 curve also having a chord of S38°00'52"W 43.49 feet to a point; thence  
15 5. S52°50'06"W, a distance of 72.46 feet to a point of curvature;  
16 thence  
17 6. Westerly along a curve to the right having a delta angle of  
18 57°35'20", a radius of 101.00 feet, and an arc length of 101.52 feet,  
19 said curve also having a chord of S81°37'47"W 97.30 feet to a point;  
20 thence  
21 7. N69°34'33"W, a distance of 220.32 feet to a point of curvature;  
22 thence  
23 8. Westerly along a curve to the left having a delta angle of  
24 37°32'16", a radius of 220.00 feet, and an arc length of 144.13 feet,  
25 said curve also having a chord of S89°00'57"W 141.57 feet to a point;  
26 thence;  
27 9. S01°20'21"W, a distance of 115.31 feet to a point; thence  
28 10. N88°35'45"W, a distance of 130.00 feet to a point being the south-  
29 east corner of the proposed Verizon Lease Parcel; thence  
30 11. N01°25'25"E, a distance of 130.00 feet to a point; thence  
31 12. S88°34'35"E, a distance of 90.18 feet to a point of curvature;  
32 thence  
33 13. Easterly along a curve to the right having a delta angle of  
34 35°32'55", a radius of 250.00 feet, and an arc length of 155.11 feet,  
35 said curve also having a chord of N80°44'26"E 152.63 feet to a point;  
36 thence;  
37 14. N03°43'43"E, a distance of 10.03 feet to a point of curvature;  
38 thence  
39 15. Easterly along a curve to the right having a delta angle of  
40 09°39'57", a radius of 260.00 feet, and an arc length of 43.86 feet,  
41 said curve also having a chord of S76°50'12"E 43.81 feet to a point;  
42 thence;  
43 16. S69°34'33"E, a distance of 5.70 feet to a point on the assumed  
44 common line of lands now or formerly owned by Kathleen Grimm  
45 (T.A.#28.04-1-53.112) to the east and lands now or formerly owned by the  
46 Town of Amherst (T.A.#28.04-1-45) to the west; thence  
47 17. S07°46'19"E, along the assumed common line, a distance of 9.00  
48 feet to a point being the southwest corner of lands now or formerly  
49 owned by Kathleen Grimm (T.A.#28.04-1-53.112); thence  
50 18. S88°48'15"E, along the assumed south line of lands now or formerly  
51 owned by Kathleen Grimm (T.A.#28.04-1-53.112) a distance of 24.09 feet  
52 to a point; thence  
53 19. S69°34'33"E, a distance of 65.42 feet to a point; thence  
54 20. S20°25'27"W, a distance of 10.00 feet to a point; thence  
55 21. S69°34'33"E, a distance of 123.09 feet to a point of curvature;  
56 thence

1 22. Easterly along a curve to the left having a delta angle of  
2 57°35'20", a radius of 71.00 feet, and an arc length of 71.36 feet, said  
3 curve also having a chord of N81°37'47"E 68.40 feet to a point; thence  
4 23. N52°50'06"E, a distance of 72.46 feet to a point of curvature;  
5 thence  
6 24. Northerly along a curve to the left having a delta angle of  
7 29°38'29", a radius of 55.00 feet, and an arc length of 28.45 feet, said  
8 curve also having a chord of N38°00'52"E 28.14 feet to a point; thence  
9 25. N23°11'38"E, a distance of 82.89 feet to a point of curvature;  
10 thence  
11 26. Northerly along a curve to the right having a delta angle of  
12 09°12'34", a radius of 101.00 feet, and an arc length of 16.23 feet,  
13 said curve also having a chord of N27°47'55"E 16.22 feet to a point;  
14 thence;  
15 27. N47°10'44"W, a distance of 4.57 feet to a point being on the  
16 assumed common line of lands now or formerly owned by Charles Herberger  
17 (T.A.#28.04-1-52.11) to the west and lands now or formerly owned by the  
18 Town of Amherst (T.A.#28.04-1-45) to the east; thence  
19 28. N23°11'38"E, along the assumed common line, a distance of 15.93  
20 feet to the point and place of beginning. Containing 0.892 acres of  
21 land, more or less.  
22 § 4. Should the lands described in section three of this act cease to  
23 be used for the purposes described in section one of this act, the lease  
24 shall terminate and those lands shall revert to the town of Amherst for  
25 public park and recreational purposes. At the time of such reversion,  
26 the removal of such wireless communication tower shall take place and  
27 the property shall be returned to its previous state, consistent with  
28 park and recreational purposes.  
29 § 5. In the event that the town of Amherst received any funding  
30 support or assistance from the federal government for the purchase,  
31 maintenance, or improvement of the parklands set forth in section three  
32 of this act, the discontinuance and alienation of such parklands author-  
33 ized by the provisions of this act shall not occur until the town of  
34 Amherst has complied with any federal requirements pertaining to the  
35 alienation or conversion of parklands, including satisfying the secre-  
36 tary of the interior that the alienation or conversion complies with all  
37 conditions which the secretary of the interior deems necessary to assure  
38 the substitution of other lands shall be equivalent in fair market value  
39 and usefulness to the lands being alienated or converted.  
40 § 6. This act shall take effect immediately.