STATE OF NEW YORK

11386

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. P. Carroll) -- read once and referred to the Committee on Local Governments

AN ACT in relation to authorizing the town of Clarkstown in Rockland 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 Clarkstown, in the county of Rockland, 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 Homeland Towers LLC for a term not to exceed forty years, the lands more particularly described in section two of this act for the placement and operation of a wireless communication tower.

(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.

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

All that tract or parcel of land being a Proposed Alienation Parcel situate in the Town of Clarkstown, County of Rockland and State of New York; being bounded and described as follows:

Beginning at the northwest corner of said Proposed Alienation Parcel, said point being North 83°38'58" East a distance of 324.65 feet from the northwest corner of lands of the Town of Clarkstown (Instrument No. 2020-00000341), being on the easterly bounds of Brewery Road; running thence North 83°38'58" East along the northerly bounds of lands of Town of Clarkstown (Instrument No. 2020-00000341) a distance of 119.06 feet to a point; running thence along the easterly, southerly and westerly bounds of said Proposed Alienation Parcel, through the lands of Town of Clarkstown (Instrument No. 2020-00000341), the following three courses and distances:

1) South 06°21'02" East 80.00 feet;

2) South 83°38'58" West 119.06 feet;

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

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3) North 06°21'01" West 80.00 feet;

to the point of beginning. Containing 0.219 acre of land. Bearings refer to True North.

Being a portion of the same premises described in Instrument No. 2020-00000341 Deeds filed at the Rockland County Clerk's Office.

Subject to any easements recorded and unrecorded.

Subject to the rights of the public over Brewery Road.

For details of monumentation and other evidence reference is hereby made to a map entitled:

"Existing Conditions Survey of a Portion of Premises of Town of Clarkstown ...", dated November 11, 2025, revised on March 13, 2026, prepared by Lawson Surveying and Mapping, Oneonta, N.Y.

§ 3. 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 Clarkstown for public park and recreational purposes. 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.

§ 4. In the event that the town of Clarkstown received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section two of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the town of Clarkstown 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.

§ 5. This act shall take effect immediately.