

STATE OF NEW YORK

4030--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Local Governments -- 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
24 (T.A.#28.04-1-45) to the east, said point also being on the assumed

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

LBD06775-04-5

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