

# Westchester County

George Latimer  
County Executive

May 23, 2024

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Members of the Board of Legislators,

Transmitted herewith is a Home Rule Request for S4879/A5092: AN ACT to amend the environmental conservation law, in relation to providing an exemption from requirements for the alienation of parkland for renewable energy generating projects in the county of Westchester.

Sincerely,



George Latimer  
Westchester County Executive

Attachments

**HOME RULE REQUEST RESOLUTION NO. \_\_\_-2024**

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Assembly Bill No. A10226A/Senate Bill No. S9547A entitled "AN ACT to amend the environmental conservation law, in relation to providing an exemption from requirements for the alienation of parkland for renewable energy generating projects in the county of Westchester."

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: 2024  
White Plains, New York

Committee on Legislation

# STATE OF NEW YORK

9547--A

## IN SENATE

May 16, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to providing an exemption from requirements for the alienation of parkland for renewable energy generating projects in the county of Westchester

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

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 52-0908 to read as follows:

3 § 52-0908. Restriction on alienation exemption in Westchester county;  
4 renewable energy generating projects.

5 Notwithstanding section 52-0907 of this title, real property acquired,  
6 developed, improved, restored or rehabilitated by the county of West-  
7 chester pursuant to subdivision four of section 52-0901 of this title  
8 with funds made available pursuant to this title may be sold or disposed  
9 of or used for other than public park purposes without the express  
10 authority of an act of the legislature, and when such sale or disposal  
11 occurs it:

12 1. applies only to the sale or disposal or rights to airspace directly  
13 above such real property; and

14 2. is for the construction, installation and/or operation of a solar  
15 energy project not to exceed two megawatts of generating capacity and  
16 which is located above real property that was established and used for  
17 vehicle parking prior to the effective date of this section.

18 § 2. This act shall take effect immediately and shall apply to alien-  
19 ations of parkland for renewable energy generating projects in the coun-  
20 ty of Westchester occurring on or after such date.

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

LBD15514-04-4

# STATE OF NEW YORK

10226--A

## IN ASSEMBLY

May 14, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Levenberg, Burdick) -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to providing an exemption from requirements for the alienation of parkland for renewable energy generating projects in the county of Westchester

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LBD15514-03-4