

HOME RULE REQUEST RESOLUTION NO. 109-2024



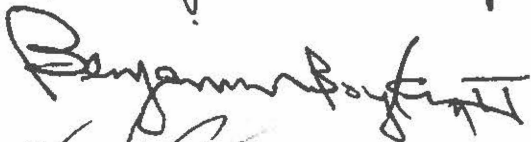



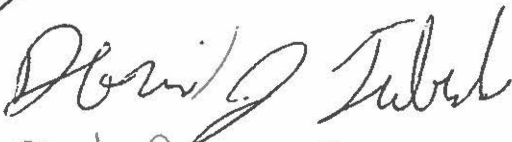

RESOLVED, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

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: May 29, 2024
White Plains, New York

 Eecigawa Uley	
 Benjamin Boyfett	
	 Dominic J. Tubolo
 Dominic J. Tubolo	

COMMITTEES ON
Legislation Parks & Environment

Dated: May 29, 2024

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Colin J. Smith

Velvet Galin

Nancy E. Parr

Velvet Galin

COMMITTEES ON

Legislation

Parks & Environment

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

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.

LBD15514-03-4

STATE OF NEW YORK

9547--A

IN SENATE

May 16, 2024

Introduced by Sen. HARKHAM -- 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)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 109 - 2024, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of said original Resolution, which was duly adopted by the Westchester County Board of Legislators, of said County on June 3, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 3rd day of June, 2024.

Malika Vanderberg

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

