Memorandum of Support

July 13, 2020

S.5041 (Mayer)/ A.5839-A (Paulin)

Title: An act to amend the Westchester county administrative code, in relation to the lease or sale of real property for park purposes

Purpose: To amend the sections of the Westchester County Administrative Code related to the lease or sale of real property for park purposes, in order to prevent the county from alienating parkland without action by the State Legislature.

Statement of Support: Currently, under New York State law, parkland can only be alienated through legislative action. In Westchester County, however, the sale of parklands is possible without action by the State Legislature, in accordance with the county’s Administrative Code adopted in 1961. Under this code, a sale proposed by the County Executive is possible with a two-thirds vote of the Westchester County Board of Legislators and a statement that the land in question is no longer needed for park purposes. This legislation would amend two particular sections of the Code, ensuring that the county would only retain this ability for parcels under two acres which are not used as parks.

Under the current code, the sale of any parcels originally designated as parklands is allowed, setting a troubling precedent potentially threatening Westchester’s parklands for years to come. In the absence of legislative protection, any of the county’s parkland could be sold off under the discretion of whoever is in office, if they deem the sale to be appropriate. The County recently considered partially balancing its 2019 budget with the sale of a parking lot that had originally been designated as parkland. If the county is struggling financially, especially now with the added strain of COVID-19, these decisions to sell off parkland little by little could put Westchester’s 18,000-acre park system in peril.

In the past 5 years, there have been various attempts by Westchester County Executives to alienate parkland without state approval, and it has proven to be a bipartisan occurrence. In 2015, one Westchester County Executive’s administration provided a license to a private corporation to install a high-volume, high-pressure gas pipeline through a 1,600-acre county park, requiring the felling of trees within
the park. The magnitude of the project and the loss of public open space should have ideally triggered oversight from the legislature.

Westchester County must be aligned with the other jurisdictions in the state and should not be able to sell parklands without the approval of the State Legislature, based merely on the Westchester County 1961 administrative code providing such an exemption. Unless this issue is addressed, it is likely that this pattern of attempts by County Executives to alienate parkland will continue. Preserving parklands supports public health and the environment, helps maintain our state’s biodiversity, and strengthens our resilience to climate change. In order to protect Westchester’s invaluable parks from hasty political decisions dictated by financial gain, the county should no longer be allowed to alienate parkland without action by the State Legislature.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of S.5041/A.5839-A.