

# STATE OF NEW YORK

7269

2023-2024 Regular Sessions

## IN ASSEMBLY

May 16, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the  
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
providing an exemption from requirements for the alienation of park-  
land for renewable energy generating projects

The People of the State of New York, represented in Senate and Assem-  
bly, 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; renewable energy gener-  
4 ating projects.

5 Notwithstanding section 52-0907 of this title, real property acquired,  
6 developed, improved, restored or rehabilitated by a municipality pursu-  
7 ant to subdivision four of section 52-0901 of this title with funds made  
8 available pursuant to this title may be sold or disposed of or used for  
9 other than public park purposes without the express authority of an act  
10 of the legislature, provided that such real property is not located  
11 within the Adirondack park or Catskill park, as such terms are defined  
12 in section 9-0101 of this chapter, and when such sale or disposal:

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

15 2. is for the construction, installation and/or operation of a solar  
16 energy project not to exceed two megawatts of generating capacity and  
17 which is located above real property currently used for vehicle parking.

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

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

LBD04162-01-3