

DEFENSE AGAINST ENCROACHMENT

Encroachment Policy and Procedures

**Westchester County Department of Parks,
Recreation and Conservation**

ENCROACHMENT PROCEDURES

All parkland use must be approved by the Westchester County Parks Board, Chapter 134 of the Laws of Westchester County, 134.51.

Procedure:

1. Identification of Encroachment
 - A. Site visits by staff annually to walk property line
 - B. Facility managers have access to a copy of property map
 - C. Response to public complaint
 - D. Site Review with DPW Survey Team
2. Document Encroachment
 - A. Park Superintendent investigates
 - B. Park planning Staff conducts site review
 - C. If required, direct DPW Survey team to prepare survey
 - D. Research identity of offending party
 - E. Photograph encroachment as supplement to survey
3. Contact Offending Party
 - A. Prepare and send Registered letter to offending party from Commissioner of Parks with time line to restore or vacate site
 - B. Copy to Law Department and local municipality
4. Follow-up site Visit Day Before Restoration Deadline
 - A. If encroachment is remedied sent a letter of acknowledgement
 - B. If not remedied, refer to Law Department by letter for civil action
 - B. Prepare contract to remove encroachment or install physical barrier
 - C. Seek Reimbursement of cost associated with remediation of encroachment
5. Continued follow-up
 - A. Site visits by staff to insure compliance

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ENCROACHMENT PROCEDURES

Encroachment occurs when a property owner intrudes on, in, or under the ground space or in the air space of an adjacent County owned or managed property, either deliberately or inadvertently. Encroachment results from any use of such County land by individuals for their own purposes. Parkland encroachments may be structural (e.g., construction of decks, pools, and retaining walls), non-structural (e.g., pool drainage, application of pesticides, waste dumping), or vegetative (e.g., planting of vegetable gardens, removal of wildflowers, shrubs, and trees).

Parkland encroachments are of concern because they:

1. restrict or limit the use and enjoyment of public lands maintained by the County for the benefit of all residents;
2. may pose a safety hazard to the public and give rise to liability claims from resultant injuries;
3. may damage the natural environment and undermine the County's stewardship role in protecting natural features;
4. may lead to claims of adverse possession and the loss of public assets;
5. may destabilize public lands with resultant damage to adjacent private lands; may result in taxpayer costs to restore degraded public lands;

Boundaries for parklands are posted and facility managers have access to copies of park property maps. These boundaries are patrolled during ongoing management activities to identify encroachment or vandalism. If a facility manager identifies encroachment, Park Planning Staff will conduct a site review. If required, the Department of Public Works Survey team will prepare a survey and photographs will be taken as a supplement to the survey.

After documentation of encroachment, the Commissioner of Parks will prepare and send a registered letter to the offending party including a time line to restore or vacate the site. A copy of the letter will be sent to the Law Department and the local municipality.

Just before the restoration deadline, Park Planning Staff will make a site visit. If encroachment has been remedied, a letter of acknowledgement will be sent. If the situation has not been remedied, it will be referred to the Law Department for civil action, seeking reimbursement of costs associated with the remediation. The park staff will contract to remove the encroachment or install a physical barrier.