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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, ALESSI, FIELDS, GALEF, REILLY, SCHIMEL, SCHIMMINGER, KOON, MAGNARELLI, JAFFEE, LUPARDO -- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, CLARK, COLTON, V. LOPEZ, McENENY, PHEFFER, SWEENEY -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law and the village law, in relation to requiring local building and planning regulations to accommodate the use of renewable and alternative energy sources

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 263 of the town law, as amended by chapter 602 of
2 the laws of 2003, is amended to read as follows:
3 S 263. Purposes in view. Such regulations shall be made in accordance
4 with a comprehensive plan and designed to lessen congestion in the
5 streets; to secure safety from fire, flood, panic and other dangers; to
6 promote health and general welfare; to provide adequate light and air;
7 to prevent the overcrowding of land; to avoid undue concentration of
8 population; to make provision for, so far as conditions may permit, the
9 accommodation of [solar energy systems and equipment and access to
10 sunlight necessary therefor] RENEWABLE ENERGY RESOURCES, WHICH FOR THE
11 PURPOSES OF THIS SECTION SHALL INCLUDE SOLAR THERMAL, PHOTOVOLTAICS,
12 WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL GROUND SOURCE HEAT,
13 TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, AND FUEL CELLS USING RENEWABLE
14 FUELS; to facilitate the practice of forestry; to facilitate the
15 adequate provision of transportation, water, sewerage, schools, parks
16 and other public requirements. Such regulations shall be made with
17 reasonable consideration, among other things, as to the character of the
18 district and its peculiar suitability for particular uses, and with a
19 view to conserving the value of buildings and encouraging the most
20 appropriate use of land throughout such municipality.

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

1 S 2. Section 7-704 of the village law, as amended by chapter 742 of
2 the laws of 1979, is amended to read as follows:

3 S 7-704 Purposes in view. Such regulations shall be made in accordance
4 with a comprehensive plan and designed to lessen congestion in the
5 streets; to secure safety from fire, panic, floods and other dangers; to
6 promote health and the general welfare; to provide adequate light and
7 air; to prevent the overcrowding of land; to avoid undue concentration
8 of population; to make provision for, so far as conditions may permit,
9 the accommodation of [solar energy systems and equipment and access to
10 sunlight necessary therefor] RENEWABLE ENERGY RESOURCES, WHICH FOR THE
11 PURPOSES OF THIS SECTION SHALL INCLUDE SOLAR THERMAL, PHOTOVOLTAICS,
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14 FUELS; to facilitate the adequate provision of transportation, water,
15 sewerage, schools, parks and other public requirements. Such regulations
16 shall be made with reasonable consideration, among other things, as to
17 the character of the district and its peculiar suitability for partic-
18 ular uses, and with a view to conserving the value of buildings and
19 encouraging the most appropriate use of land throughout such munici-
20 pality.

21 S 3. This act shall take effect immediately.