S T A T E  O F  N E W  Y O R K

314

2011-2012 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, GALEF, REILLY, SCHIMEL, SCHIMMINGER, MAGNARELLI, JAFFEE, LUPARDO, ENGLEBRIGHT -- 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:

Section 1. Section 263 of the town law, as amended by chapter 602 of the laws of 2003, is amended to read as follows:

S 263. Purposes in view. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of [solar energy systems and equipment and access to sunlight necessary therefor] RENEWABLE ENERGY RESOURCES, WHICH FOR THE PURPOSES OF THIS SECTION SHALL INCLUDE SOLAR THERMAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL GROUND SOURCE HEAT, TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, AND FUEL CELLS USING RENEWABLE FUELS; to facilitate the practice of forestry; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

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

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

S 7-704 Purposes in view. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, floods and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of [solar energy systems and equipment and access to sunlight necessary therefor] RENEWABLE ENERGY RESOURCES, WHICH FOR THE PURPOSES OF THIS SECTION SHALL INCLUDE SOLAR THERMAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL GROUND SOURCE HEAT, TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, AND FUEL CELLS USING RENEWABLE FUELS; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

S 3. This act shall take effect immediately.