STATE OF NEW YORK

34--B

Cal. No. 4

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. PAULIN, GALEF, SCHIMMINGER, MAGNARELLI, JAFFEE, LUPARDO, ENGLEBRIGHT, M. G. MILLER, OTIS, GOTTFRIED, THIELE -- Multi-Sponsored by -- M. of A. CAHILL, COLTON, PERRY -- read once and referred to the Committee on Local Governments -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

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 certain 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:

§ 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~~] *solar thermal, photovoltaics, wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, farm waste electric generating equipment as defined in paragraph (e) of subdivision one of section sixty-six-j of the public service law, and fuel cells*; 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 suit-

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

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ability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

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

§ 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~~] **solar thermal, photovoltaics, wind, hydro-electric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, farm waste electric generating equipment as defined in paragraph (e) of subdivision one of section sixty-six-j of the public service law and fuel cells**; 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.

§ 3. This act shall take effect immediately.