

STATE OF NEW YORK

34

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

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:

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 § 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~~] solar thermal, photovoltaics, wind, hydro-
11 electric, geothermal electric, geothermal ground source heat, tidal
12 energy, wave energy, ocean thermal, and fuel cells; to facilitate the
13 practice of forestry; to facilitate the adequate provision of transpor-
14 tation, water, sewerage, schools, parks and other public requirements.
15 Such regulations shall be made with reasonable consideration, among
16 other things, as to the character of the district and its peculiar suit-
17 ability for particular uses, and with a view to conserving the value of
18 buildings and encouraging the most appropriate use of land throughout
19 such municipality.

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

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

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§ 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, 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.