STATE OF NEW YORK

5739--A

Cal. No. 1259

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in 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 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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§ 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. Notwithstanding the amendments to section 263 of the town law and section 7-704 of the village law made by sections one and two of this act, nothing in this act shall be construed to require any town or village to amend applicable local building code or zoning regulations.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall only apply to comprehensive plans established or amended on or after the effective date of this act.