

# STATE OF NEW YORK

436--A

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, GALEF, SCHIMMINGER, MAGNARELLI, JAFFEE, LUPARDO, ENGLEBRIGHT, M. G. MILLER, OTIS, GOTTFRIED, THIELE, JACOBSON, D'URSO -- Multi-Sponsored by -- M. of A. CAHILL, COLTON, PERRY -- read once and referred to the Committee on Local Governments -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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, farm waste electric generating  
13 equipment as defined in paragraph (e) of subdivision one of section  
14 sixty-six-j of the public service law, and fuel cells; to facilitate the  
15 practice of forestry; to facilitate the adequate provision of transpor-  
16 tation, water, sewerage, schools, parks and other public requirements.  
17 Such regulations shall be made with reasonable consideration, among  
18 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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1 ability for particular uses, and with a view to conserving the value of  
2 buildings and encouraging the most appropriate use of land throughout  
3 such municipality.

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

6 § 7-704 Purposes in view. Such regulations shall be made in accordance  
7 with a comprehensive plan and designed to lessen congestion in the  
8 streets; to secure safety from fire, panic, floods and other dangers; to  
9 promote health and the general welfare; to provide adequate light and  
10 air; to prevent the overcrowding of land; to avoid undue concentration  
11 of population; to make provision for, so far as conditions may permit,  
12 the accommodation of [~~solar energy systems and equipment and access to~~  
13 ~~sunlight necessary therefor~~] solar thermal, photovoltaics, wind, hydro-  
14 electric, geothermal electric, geothermal ground source heat, tidal  
15 energy, wave energy, ocean thermal, farm waste electric generating  
16 equipment as defined in paragraph (e) of subdivision one of section  
17 sixty-six-j of the public service law and fuel cells; to facilitate the  
18 adequate provision of transportation, water, sewerage, schools, parks  
19 and other public requirements. Such regulations shall be made with  
20 reasonable consideration, among other things, as to the character of the  
21 district and its peculiar suitability for particular uses, and with a  
22 view to conserving the value of buildings and encouraging the most  
23 appropriate use of land throughout such municipality.

24 § 3. Notwithstanding the amendments to section 263 of the town law and  
25 section 7-704 of the village law made by sections one and two of this  
26 act, nothing in this act shall be construed to require any town or  
27 village to amend applicable local building code or zoning regulations.

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