

# STATE OF NEW YORK

443

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PAULIN, GALEF, MAGNARELLI, LUPARDO, ENGLEBRIGHT, OTIS, GOTTFRIED, THIELE, JACOBSON -- 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, 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-  
19 ability for particular uses, and with a view to conserving the value of  
20 buildings and encouraging the most appropriate use of land throughout  
21 such municipality.

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

LBD01128-01-1

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

3 § 7-704 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, panic, floods and other dangers; to  
6 promote health and the general welfare; to provide adequate light and  
7 air; to prevent the overcrowding of land; to avoid undue concentration  
8 of population; to make provision for, so far as conditions may permit,  
9 the 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 adequate provision of transportation, water, sewerage, schools, parks  
16 and other public requirements. Such regulations shall be made with  
17 reasonable consideration, among other things, as to the character of the  
18 district and its peculiar suitability for particular uses, and with a  
19 view to conserving the value of buildings and encouraging the most  
20 appropriate use of land throughout such municipality.

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

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