

VILLAGE OF IRVINGTON

BUILDING DEPARTMENT

85 MAIN STREET

IRVINGTON, NEW YORK 10533

TEL: (914) 591-8335 • FAX: (914) 591-5870



PHOTOVOLTAIC (PV SOLAR) RESIDENTIAL SYSTEMS PERMIT APPLICATION CHECK LIST

Revised June 7, 2017

It is suggested that all applicants applying for a permit read and understand the manufacture installation instructions prior to applying for a building permit and attached ARB guide lines and Village code for Solar Energy Equipment.

REQUIREMENTS TO APPLY FOR A PHOTOVOLTAIC (PV SOLAR) SYSTEM PERMIT

- ___ 1) Apply on line at www.irvingtonny.gov for a mechanical permit, under building permits and along with your application, submit to the building department the following;
- ___ 2) Owners phone number and email address entered in the online permit application
- ___ 3) Evidence of Workers Compensation Insurance (on a C-105 or equivalent)
- ___ 4) Evidence of Liability Insurance naming the Village of Irvington additional insured
- ___ 5) A copy of the contractors Westchester County Department of Consumer Protection License
- ___ 6) Pursuant to 9-12-A. provide evidence of notice to adjacent properties owners not less than 10 days prior to the meeting (see attached code section for more details)
- ___ 7) Submit permit fee: **(all fees must be paid at time of submission)**
 - ___ \$85 application fee
 - ___ \$200 for systems up to 5 kilowatts
 - ___ \$450 for systems above 5 kilowatts and less than 10 kilowatts
 - ___ \$700 for systems above 10 kilowatts and less than 20 kilowatts
 - ___ \$700 plus \$250 per additional 10 kilowatts above 20 for systems above 20 kilowatts
 - ___ \$75 Certificate of Completion inspection and fee
- ___ 8) An affidavit from a NYS licensed professional detailing and certifying that the existing structure meets or exceeds the minimum load requirement's as per TABLE R301.2(1) for wind and load before and after installation of the proposed equipment or the proposed upgrades to the existing structure to accomplish the aforesaid.
- ___ 9) Drawings (signed and sealed by a NYS licensed professional) of the roof plan showing the following criteria;
 - a. ___ Showing all proposed PV panels on all proposed roof surfaces.
 - b. ___ Showing all equipment on all elevations including
 - c. ___ Show / list all roof connectors and flashing details
 - d. ___ Show compliance with section R902.4 (fire classification in accordance with UL1703 and 3' from any lot line)
 - e. ___ Show compliance with sections R324.3.1 through R324.7.2.5 and NFPA 70 (installation)
 - f. ___ Show compliance with section R324.7 (access and pathways) (see attachment)
 - g. ___ Show compliance with section R324.7.2.1-6. (roof access points) (see attachment)
 - h. ___ Show compliance with section R324.7.3 (ground access areas) (see attachment)
 - i. ___ Show compliance with section R324.7.4 (single ridge roofs *when applicable*) (see attachment)
 - j. ___ Show compliance with section R324.7.5 (hip roofs *when applicable*) (see attachment)
 - k. ___ Show compliance with section R324.7.6 (roof with valleys *when applicable*) (see attachment)
 - l. ___ Show compliance with section R324.7.7 (allowance for smoke ventilation operations) (see attachment)
 - m. ___ Show a Fire Department AC disconnect, located outside by the Utility meter on all systems.
- ___ 10) Provide a drawing or manufactures cut sheets of array mounting hardware and interconnection diagram and specifications.
- ___ 11) Provide a drawing or manufactures cut sheets of the unit mount and roof penetration's flashing system.
- ___ 12) 3 wire diagram showing all proposed equipment as governed by the National Electrical Code (NEC)
- ___ 13) Provide a diagram showing all proposed labels and labeling locations including; Solar AC Disconnect, Inverter Output, Connection Warning, Dual Power Source Warning, Solar AC Combiner Panel, Solar PV Circuits Only, Solar Production meter. (see attachment)
- ___ 14) Provide snow guards on panels were snow has the potential of sliding of the panel into a neighbor's property
- ___ 15) Pictures of dwelling showing photo shopped arrays on the structure.
- ___ 16) Provide a drawing or photo shop picture of all proposed equipment on all effected elevations (including FD emergency disconnect switch)
- ___ 17) A Fire Department AC disconnect, located outside by the Utility meter on all systems.

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- _____ 18) Separate Electrical Permit application by a Westchester County Department of Licensing, licensed Electrician with required insurances and the appropriate fee (must be filed by the licensed contractor, see village application for further details).
- _____ 19) Submit signed check list with submission and appropriate building permit fee.
- _____ 20) Applicant has provided seven copies of the entire submittal for Architectural Review Board approval.

Applicant Affidavit:

Applicants Name: _____

Applicants Address: _____

Applicants Phone # _____

Applicants Email _____

Applicant Name: _____ Signature: _____ Date: _____ By signing this affidavit I attest to have read the attached Solar Energy Equipment Code and the Solar Equipment Guidelines manufactures installation instructions and that all information asked for above has been submitted and that the submitted information is correct.

General Contractor Affidavit:

Contractors Name: _____

Contractors Address: _____

Contractors Phone # _____

Contractors Email _____

General Contractor Name: _____ Signature: _____ Date: _____ By signing this affidavit I attest to being the general contractor of record for this application and will be responsible for oversite and direct supervision of same, and will maintain a valid Westchester County Department of Consumer Protection License, a valid for Workers Compensation Policy and a General Liability Policy listing the Village of Irvington as Certificate Holder and additional insured with no conditions until such time I apply for and receive a Certificate of Completion.

Electrical Contractor Affidavit:

Electrical Contractors Name: _____

Electrical Contractors Address: _____

Electrical Contractors Phone # _____

Electrical Contractors Email _____

Electrical Contractor Name: _____ Signature: _____ Date: _____ By signing this affidavit I attest to being the electrical contractor of record for this application and will be responsible for oversite and direct supervision of same, and will maintain a valid Westchester County Electrical License, a valid for Workers Compensation Policy and a General Liability Policy listing the Village of Irvington as Certificate Holder and additional insured with no conditions until such time I apply for and receive a Certificate of Completion.

Note: Applications for all exterior elevation changes including photovoltaic solar systems are required to apply for, make a presentation in front of, and receive approval from the Village of Irvington Architectural Review Board (ARB) prior to issuance of a building permit. The ARB meetings are the second and fourth Mondays of the month, with a deadline for submissions one week prior to the meetings (see village web site for confirmation of meetings). Seven sets of copies of the entire application are required to be submitted at the deadline with appropriate fee at the time of submission.

Note: The following list above is given to assist in the application process. It is not intended to be a replacement for the Building or Zoning Code, County or State Regulations, or Consolidate Edison Requirements. Unique and Special projects may require additional information.

****Hours of Construction: Monday-Friday 7AM-7PM; Saturday 9AM-5PM; Sunday and holiday's construction is prohibited
*Only completed applications will be accepted with attached insurance certificates and County license***

NOTICE OF APPLICATION AND HEARING

Board of Architectural Review

Clerk's Office

Village of Irvington

Westchester County, New York

CERTIFIED MAIL

Date of Mailing

NOTICE:

Pursuant to 9-12 of the code of the Village of Irvington notice to adjacent neighbors (as defined below) is required 10 days prior a meeting where an application for Solar Panels to the Village of Irvington Architectural Board is asking to be heard.

Date of Meeting:

Time of Meeting: Meeting starts at 8pm

Location of Meeting: Trustees Meeting Room
85 Main St. Irvington, NY 10533

Applicant Name
Applicant Mailing Address

Applicant Phone Number
Applicant Email Address

Owners Name
Owner Mailing Address

Owners Phone Number
Owners Email Address

Address of Proposed Solar Panels:
Street Address

To Adjacent Neighbors of:

Please take notice that the applicant named above is requesting the Board of Architectural Review of the Village of Irvington to grant a permit for the installation of **Solar Energy Equipment** to the address listed above.

Plans of the proposed work are available in the office of the Irvington Building Department for public inspection during regular business hours 5 days prior to the scheduled meeting.

9-12. Solar Energy Equipment.

For any application for a building permit for solar energy equipment, written notice of the application and the date, time and place of the meeting at which it will be considered must be given to all adjacent property owners not less than 10 days prior to the meeting date. Notice shall be by a method of mail or a delivery service company providing proof of mailing or delivery or by personal service of such notice on the property owners, evidenced by their signature as acknowledgment of receipt of such notice on a form supplied or similar to one supplied by the Village Clerk. Proof of service of the notice shall be filed prior to or at the meeting at which the application is considered. ("Adjacent property" refers to any neighbor that shares a property line with the subject property as well as neighbors across any street from the subject property.)*

PHOTOVOLTAIC DC DISCONNECT

WARNING! ELECTRIC SHOCK HAZARD!

Voc	V
Vmp	V
Isc	A
Imp	A

Label Location:
(DC), (INV)
Per Code:
CEC 690.53, NE

WARNING - Dual Power Sources
Second source is photovoltaic system

Label Location:
(INV), (AC), (LC)

WARNING - Electric Shock Hazard

No user serviceable parts inside
Contact authorized servicer for assistance

Label Location:
(CB)

PHOTOVOLTAIC POINT OF INTERCONNECTION

WARNING! ELECTRIC SHOCK HAZARD!
DO NOT TOUCH TERMINALS. TERMINALS ON BOTH THE
LINE AND LOAD SIDE MAY BE ENERGIZED

PV POWER SOURCE	
MAXIMUM AC CIRCUIT OUTPUT OPERATING CURRENT	A
OPERATING AC VOLTAGE	V

Label Location:
(POI)

PV COMBINER BOX

WARNING:
ELECTRIC SHOCK HAZARD

Label Location:
(CB)

CAUTION: SOLAR CIRCUIT

Label Location:
(C)

Solar Disconnect

WARNING - Electric Shock Hazard
DO NOT TOUCH TERMINALS
Terminals on both line and Load sides
may be energized in the Open Position

Label Location:
(AC), (LC)
Per Code:
CEC 690.17, NEC 690.14 (4)

DC DISCONNECT

WARNING - Electric Shock Hazard
DO NOT TOUCH TERMINALS
Terminals on both line and Load sides
may be energized in the Open Position

DC VOLTAGE IS ALWAYS PRESENT WHEN
SOLAR MODULES ARE EXPOSED TO SUNLIGHT

Label Location:
(DC), (INV)

WARNING!
INVERTER OUTPUT CONNECTION. DO NOT
RELOCATE THIS OVERCURRENT DEVICE.

Label Location:
(POI)

PHOTOVOLTAIC AC DISCONNECT

WARNING! ELECTRIC SHOCK HAZARD!

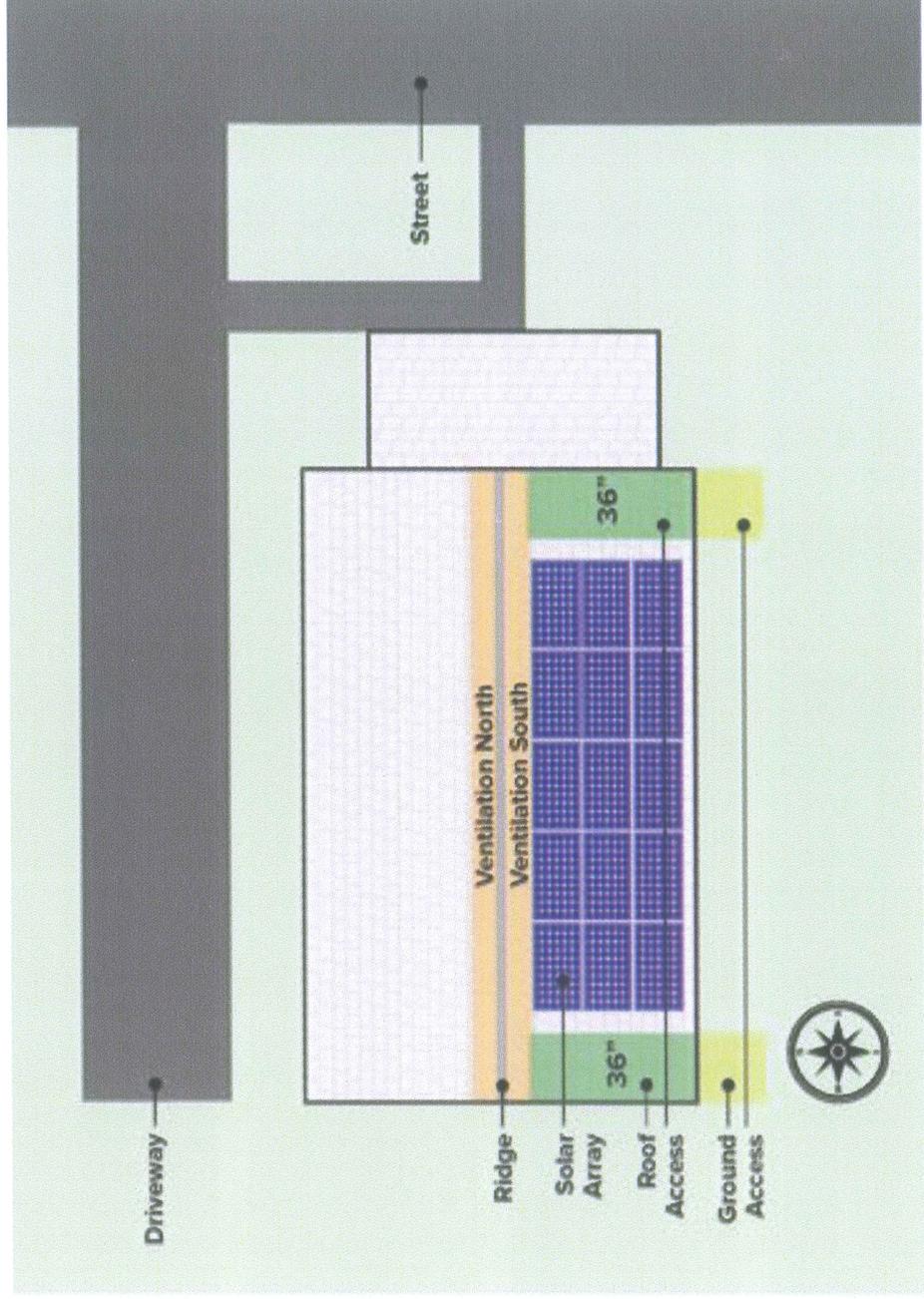
OPERATING AC VOLTAGE	V
MAXIMUM OPERATING CURRENT	A

Label Location:
(AC), (D), (LC)
Per Code:
CEC 690.8.A.3 & CEC 690.54, NEC 690.14 (c)(2)

(AC): AC Disconnect
(C): Conduit
(CB): Combiner Box
(D): Distribution Panel
(DC): DC Disconnect
(IC): Interior Run Conduit
(INV): Inverter With Integrated DC Disconnect
(LC): Load Center

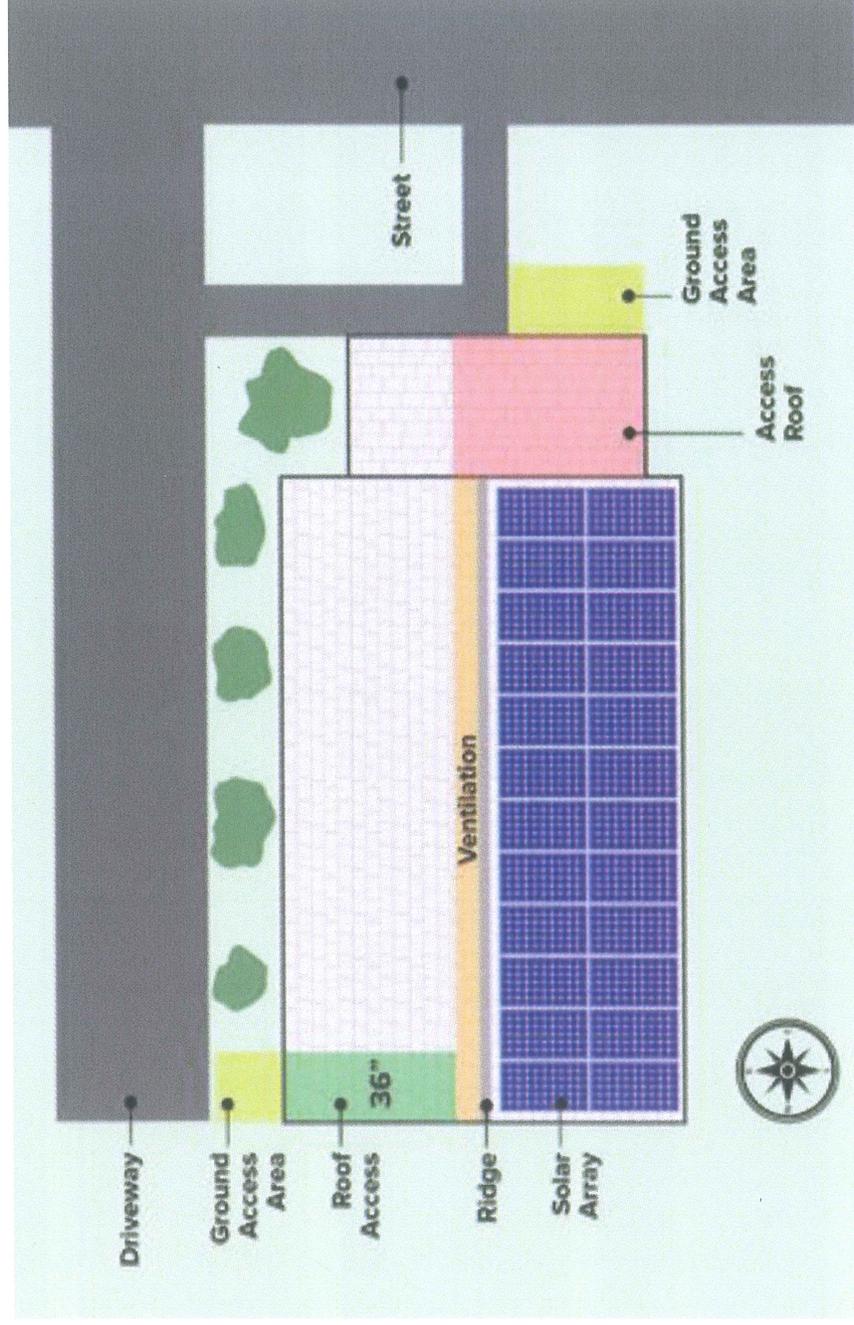
Single Ridge Roof with Two Pathways on Same Slope as Array

Two pathways are required for single ridge roofs. If both pathways are located on the same slope as the PV array, array space is limited. Exceptions to Section R324.7.4 may permit alternate access, pathways and venting locations.



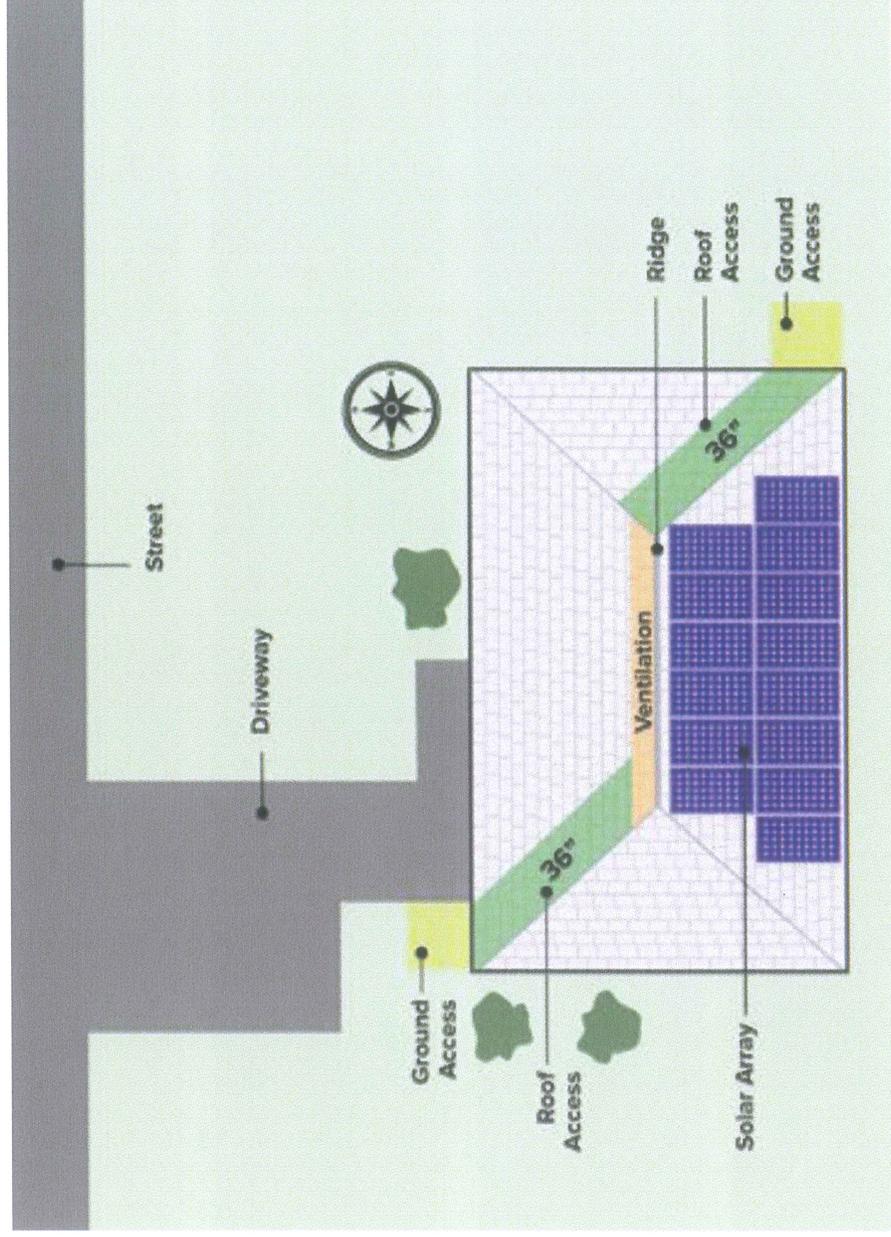
Single Ridge Roof with Alternate Access and Venting Locations

Alternate access, pathways and venting locations may be possible for single ridge roofs meeting exceptions to Section R324.7.4.



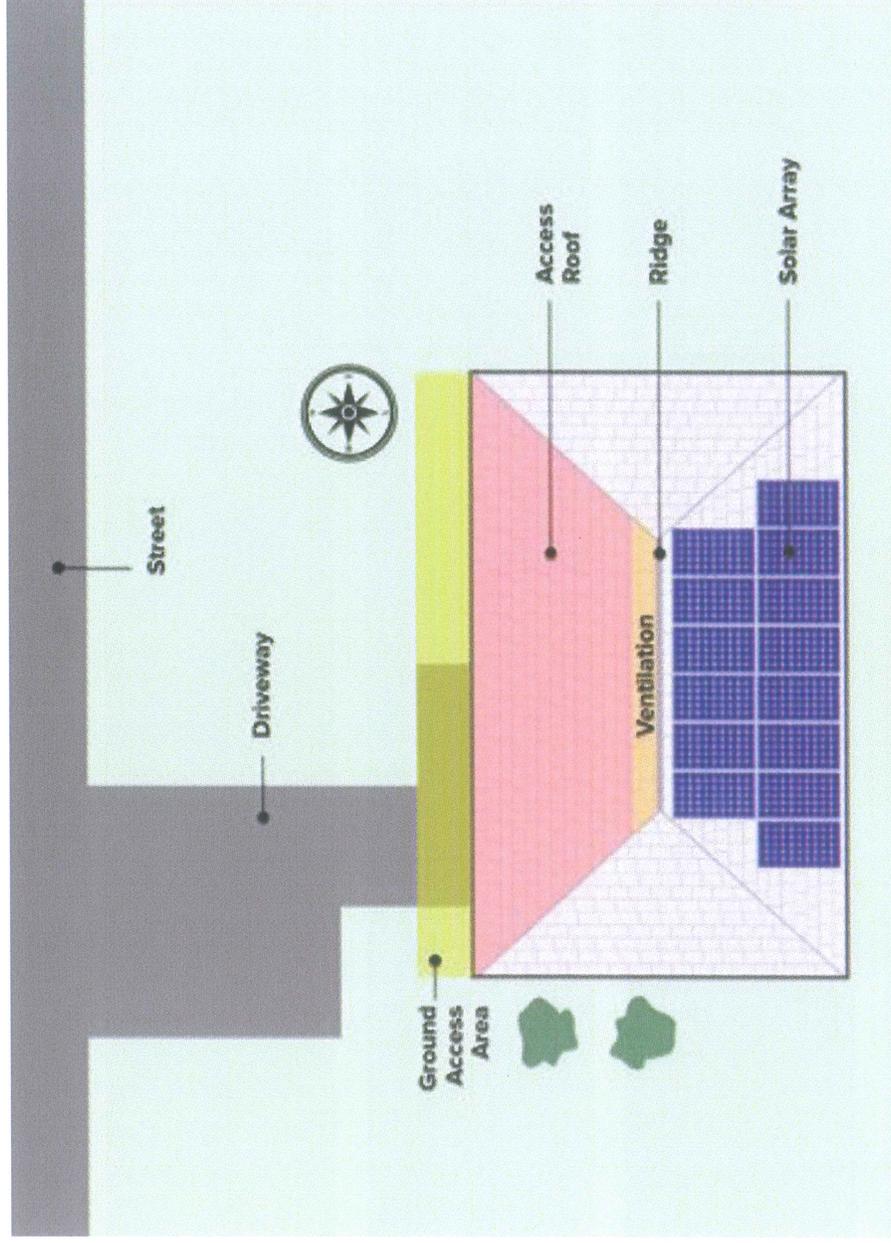
Hip Roof Installation with Alternate Venting and Pathway Locations

Alternate locations may be possible for venting and access pathways on hip roofs meeting exceptions to Section R324.7.5.



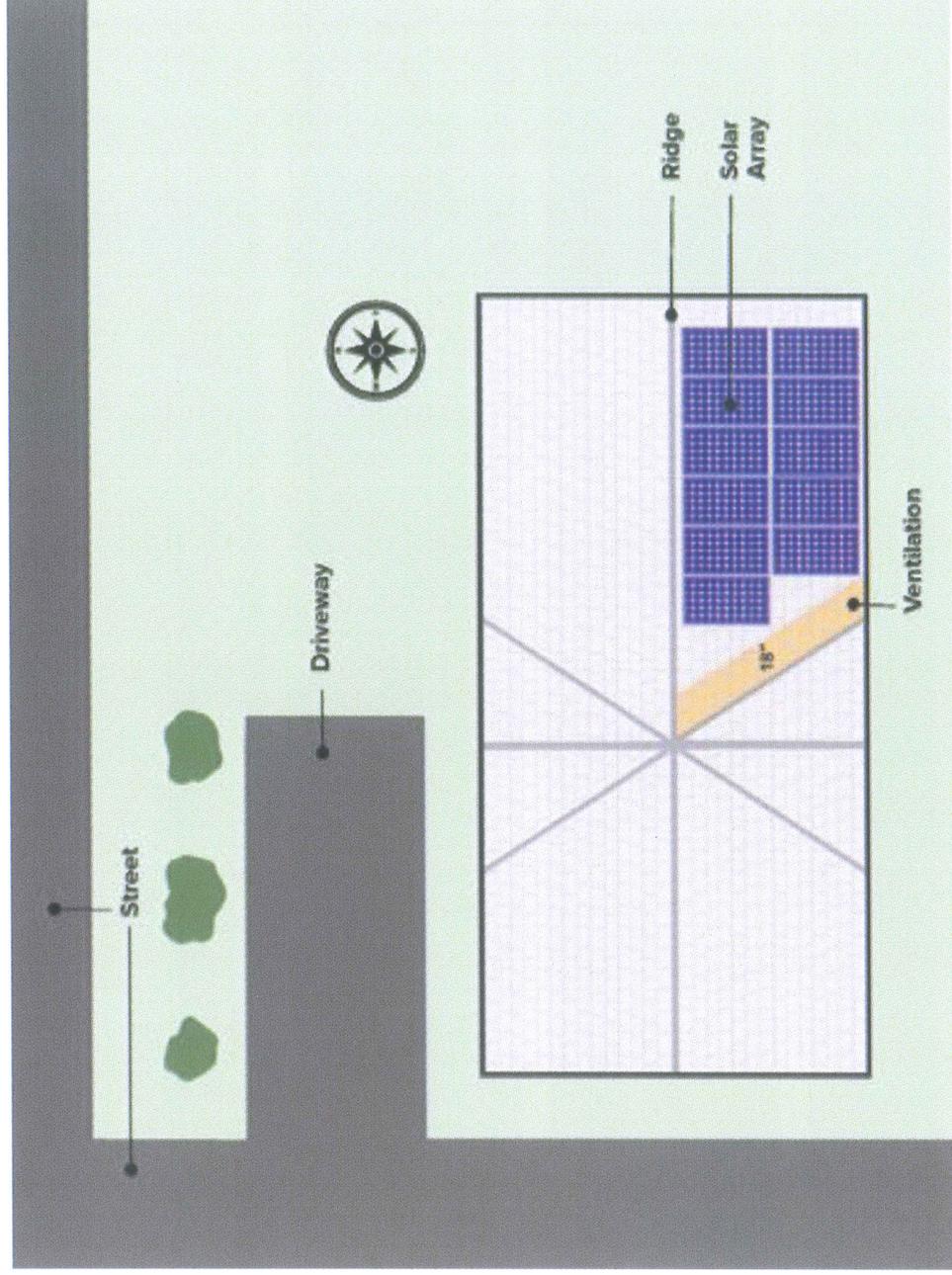
Hip Roof Installation Where an ACCESS ROOF Fronts a Street or Driveway

Section R324.7.5 Exception #2 generally applies to any residential structures where an **ACCESS ROOF** fronts a street, driveway, or other area readily accessible to emergency responders.



Roofs with Valleys

Section R324.7.6 requires any parts of PV arrays to be no closer than 18 inches from valleys.



Chapter 9: Board of Architectural Review

[HISTORY: Adopted by the Board of Trustees of the Village of Irvington 11-19-1962. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 95.

Zoning — See Ch. 224.

Chapter 9: Board of Architectural Review

§ 9-1 Purpose.

§ 9-2 Structural requirements.

§ 9-3 Board created; membership and terms of office.

§ 9-4 Meetings; powers.

§ 9-5 Site development plan applications.

§ 9-6 Building permit applications.

§ 9-7 Disapproval of application.

§ 9-8 Denial or issuance of building permit.

§ 9-9 Appeals.

§ 9-10 Conflicting laws suspended.

§ 9-11 Demolition of buildings in Historic Overlay District.

§ 9-1 Purpose.

[Amended 10-18-1965 by L.L. No. 2-1965; 10-17-1983 by L.L. No. 1-1983; 2-1-2010 by L.L. No. 1-2010; 4-6-2015 by L.L. No. 4-2015]

The Village Board hereby finds that in order to protect the property, safety and health of the inhabitants of the Village of Irvington, it is desirable to establish a Board of Architectural Review to pass on the exterior appearance of all buildings and other structures to be constructed, reconstructed or altered. In addition, in order to protect the historic and architectural character of the Irvington Historic District, it is desirable to have the Board of Architectural Review pass on applications to demolish architecturally and historically significant buildings in the Historic Overlay District. In particular, the purposes of this chapter are to:

- A.** Improve the exterior appearance of buildings and other structures throughout the Village.
- B.** Continue the harmonious development of the Village.
- C.** Prevent the impairment of the property values of improved and unimproved property.
- D.** Protect the historic character of the Village, including, in particular, the Irvington Historic District, which as of January 2014, is listed on the National Register of Historic Places.

§ 9-2 Structural requirements.

[Added 10-18-1965 by L.L. No. 2-1965]

All residences to be constructed hereafter in the Village of Irvington shall conform to the following requirements:

- A.** Except for attached one-family dwellings, houses adjacent to each other in any direction shall not look alike. Minimum variety in appearance shall be achieved by changes in any two of the following factors when approved by the Board:

[Amended 10-19-2016 by L.L. No. 9-2016]

(1) Exterior materials.

(2) Fenestration, where changes are the result of omission, grouping or adding windows, including bay and full-height windows.

(3) Geometry of the structure where this is the result of plan changes, roof slope changes exceeding 15°, roof ridge direction changes or ridge height different by at least five feet; the addition or deletion of breezeways, porches and similar features, of at

least 200 square feet in floor area; or the provision of dormers or mansard or hip roof configurations.

B. In approved subdivisions when building permits are applied for, location of all houses on the lots adjacent to and opposite the one being applied for shall also be shown.

C. Where three or more houses front on a straight or slightly curved street or road, they shall not be similarly oriented with equal front yard dimensions. In such cases one of each of three houses shall be located with either an increased front yard of at least 10 feet or oriented differently by at least 30°.

§ 9-3 Board created; membership and terms of office.

There is hereby created a Board of Architectural Review which shall consist of five members, who shall serve without compensation. All members of the Board shall be residents of the Village of Irvington, and at least one member shall be a registered architect licensed by the State of New York. The members of the Board of Architectural Review shall be appointed by the Board of Trustees for a term of five years, and the Board of Trustees shall have authority to remove any member of such Board of Architectural Review for cause after public hearing. The Board of Trustees shall designate one member of the Board of Architectural Review to be Chairman, and the Board of Architectural Review shall designate one of the members as Acting Chairman and one as Secretary. The respective terms of the members first appointed shall be one, two, three, four and five years from and after their appointments. The term of all appointments shall expire at 12:00 noon on the first Monday of April. Vacancies shall be filled for the unexpired term of the members whose place has become vacant. The Village Clerk or Deputy Clerk shall act as the Clerk of the Board.

§ 9-4 Meetings; powers.

[Amended 9-18-1967 by L.L. No. 1-1967]

Meetings of the Board of Architectural Review shall be held on the second and fourth Monday each month and at such other times as the Board shall determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. A majority of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep copies of the examinations and other official actions. The Board shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 9-6 hereof.

§ 9-5 Site development plan applications.

[Added 2-1-2010 by L.L. No. 1-2010¹¹]

Every application for site development plan approval for the construction, reconstruction or alteration of any building or structure shall be referred to the Board of Architectural Review for its recommendation and report to the Planning Board. This referral shall be in addition to the referral required by § 9-6.

§ 9-6 Building permit applications.

[Amended 9-18-1967 by L.L. No. 1-1967; 10-17-1983 by L.L. No. 1-1983; 4-15-2003 by L.L. No. 5-2003]

Every application for a building permit for the construction, reconstruction or alteration of a one- or two-family dwelling or any other structure in excess of 2,000 cubic feet of cubical content, proposed for construction within a residence district or identified on the Building Zone Map,¹¹ or for the construction, reconstruction or alteration of any structure in excess of 2,000 cubical contents proposed for construction within a business zone as identified on said map, or for a permit for the erection of signs, walls or fences, shall be filed with the Building Inspector at least 10 days prior to the next scheduled meeting of the Board of Architectural Review, and such application shall be approved or

disapproved by the Board of Architectural Review, provided that the Building Inspector has certified that the application is appropriate for review by the Board of Architectural Review.

§ 9-7 Disapproval of application.

[Amended 2-1-2010 by L.L. No. 1-2010]

The Board of Architectural Review may disapprove any building permit referred to it, provided that such disapproval shall be by majority of all the members of the Board present at any meeting where said vote is taken, and provided that the Board finds that the construction, reconstruction or alteration for which the permit was applied would not be compatible with the purposes set forth in § 9-1 and thereby be detrimental to the desirability, property values or development of the surrounding area or not be in keeping with the harmonious development of the district in which the proposed structure is to be located. Any such finding shall not be based on personal preference by the members of the Board of Architectural Review as to taste or choice of architectural style, but shall be limited to the harmonious development of the district and the Village of Irvington.

§ 9-8 Denial or issuance of building permit.

[Amended 9-18-1967 by L.L. No. 1-1967]

The Building Inspector shall refuse any building permit application disapproved as provided in § 9-6. If the Board of Architectural Review shall approve or fail to act on any building permit application referred to it under § 9-5 within 15 days of the date of the first scheduled meeting following the filing of the application of a building permit in accordance with § 9-5 hereof, the Building Inspector shall forthwith issue the permit as applied for.

§ 9-9 Appeals.

[Amended 8-15-2016 by L.L. No. 7-2016]

A. Findings of fact. Any person aggrieved by the action of the Board of Architectural Review (ARB) in disapproving a building permit application may request the ARB to make formal findings of fact. Such request shall be filed in the office of the Village Clerk within 20 days after the date of such disapproval. If such a request is made, the ARB shall make findings of fact within 30 days after the request is filed, file them in the office of the Village Clerk, and send a copy of them to the requesting person.

B. Appeal to Zoning Board of Appeals. Within 20 days after the findings of fact are filed, the aggrieved person may take an appeal from the ARB's disapproval to the duly constituted Board of Zoning Appeals of the Village of Irvington in the same manner as is provided for zoning appeals. The standard of review shall be whether the decision of the Board of Architectural Review was arbitrary, capricious or unsupported by substantial evidence of record. The Board of Zoning Appeals may reverse or affirm the action of the Board of Architectural Review.

C. Remand to ARB. If the Board of Zoning Appeals reverses the action of the Board of Architectural Review, it shall remand the application to the Board of Architectural Review for approval and the imposition of reasonable conditions, or other further action, consistent with the decision of the Zoning Board of Appeals. Any such subsequent decision of the ARB shall be appealable to the Zoning Board of Appeals.

§ 9-10 Conflicting laws suspended.

This chapter shall supersede such provisions of the Building Code of the Village of Irvington^(a) and applicable provisions of the laws of the State of New York to the extent that they conflict with or are contrary to the provisions of this chapter.

§ 9-11 Demolition of buildings in Historic Overlay District.

[Added 4-6-2015 by L.L. No. 4-2015]

A. Approval required. Every application to demolish (Note: The term "demolish" is defined in the Zoning Code at § 224-197.) a contributing building (Note: "Contributing buildings" in the Historic Overlay District are those identified in Appendix A to the Irvington Zoning Code.) in the Historic

Overlay District shall be referred by the Building Inspector to the Board of Architectural Review (ARB) for its approval or disapproval.

B. Application. An applicant seeking to demolish such building shall provide the following information:

- (1)** Legal description, property address and age of building.
- (2)** Names, addresses, e-mail addresses, telephone numbers, and signatures of the applicant and the building owner.
- (3)** Detailed explanation of the reason demolition is requested.
- (4)** All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing or ownership of the property, if any exist.
- (5)** Date the property was purchased and purchase price.
- (6)** Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
 - (a)** Any real estate broker or firm engaged to sell or lease the property;
 - (b)** Reasonableness of the price or rent sought by the applicant; or
 - (c)** Any advertisements placed for the sale or rent of the property.
- (7)** If the reason for demolition relates to the safety of the building, a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building and its suitability for rehabilitation.
- (8)** If the reason for demolition relates to the safety of building, written detailed cost estimates to restore or repair the structure.
- (9)** Economic incentives and/or funding available to the applicant through federal, state, local government or private programs.
- (10)** Description of the proposed replacement project in sufficient detail to permit the ARB to visualize the proposed replacement.
- (11)** Such other information as the ARB finds necessary to make its determination.

C. Public hearing.

- (1)** The ARB shall hold a public hearing on the application for demolition.
- (2)** Notice of such hearing shall be given by publication in the official newspaper(s) of the Village at least 10 days before the date of the hearing.
- (3)** In addition, the applicant shall erect a sign facing each public street on which the property abuts, giving notice that an application for demolition has been made. The sign, on a placard to be provided by the Village, shall be posted not less than 15 days immediately preceding the hearing date and shall be displayed continuously until the application is decided. The sign shall be placed to assure visibility from the street. Prior to the public hearing, the applicant shall provide proof that the sign was posted as required by this subsection. The applicant shall remove the sign the day after the application is decided.
- (4)** A written record shall be made of the public hearing and the ARB's deliberations on the application.
- (5)** During the public hearing, the ARB may solicit expert testimony or opinion by an architect, real estate consultant, and/or other professional experienced in historic properties and rehabilitation, on any question relevant to its determination.

D. Criteria for approval. The Board of Architectural Review shall not approve the application for demolition unless the applicant establishes all of the following:

- (1)** For buildings sought to be demolished for safety reasons:
 - (a)** The building represents a hazard to the safety of the public or the applicant or owner.

(b) The safety hazard cannot be corrected within economic means reasonably available to the applicant or owner.

(c) Good faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(2) For buildings sought to be demolished for reasons other than safety:

(a) The property is incapable of earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.

(b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return.

(c) Good faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(3) In deciding the application for demolition, the ARB may consider whether the owner has created his/her own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

(4) In determining whether to approve or disapprove an application for a demolition permit, the ARB shall consider only the exterior features of the building and shall have no jurisdiction to consider changes to interior walls or spaces that do not affect the exterior appearance of the building.

E. Replacement plan. The ARB may not approve demolition until a proposal to replace the building to be demolished receives all required approvals from the Planning Board and ARB. In the event that the applicant intends to maintain the site of the demolished building as open space, the ARB must approve a landscape plan.

F. Decision. The ARB may approve or disapprove the application for demolition. Its decision must be in writing and must state the reasons for approval or disapproval. The written decision must be provided promptly to the applicant and to the Building Inspector.

G. Appeals. Any person aggrieved by the ARB's disapproval of an application for demolition, within 30 days of delivery of the decision to the applicant, may appeal the decision to the Board of Trustees by serving a written notice on the Village Clerk. The Board of Trustees shall review the record made before the Board of Architectural Review and may reverse or affirm its decision or remand it to the ARB for further findings.

LOCALLAW#1 OF2017

**AMENDING THE IRVINGTON CODE WITH
RESPECT TO SOLAR ENERGY EQUIPMENT**

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

Section 1: Section 9-6 of the Code of the Village of Irvington (Board of Architectural Review; Building permit applications) is hereby amended to read as follows (deleted language stricken; new language in *italics*):

Every application for a building permit for the construction, reconstruction or alteration of a one- or two-family dwelling or any other structure in excess of 2,000 cubic feet of cubical content, proposed for construction ~~within~~ *within* a residence district or identified on the Building Zone Map, or for the ~~construction~~ *reconstruction* or alteration of any structure in excess of 2,000 cubical ~~contents~~ *contents* proposed for construction ~~within~~ *within* a business zone as identified on said map, or for a permit for the erection of signs, *solar energy equipment*, walls or fences, shall be filed with the Building Inspector at least 10 days prior to the next scheduled meeting of the Board of Architectural Review, and such application shall be approved or disapproved by the Board of Architectural Review, provided that the Building Inspector has certified that the application is appropriate for review by the Board of Architectural Review.

Section 2: A new section is hereby added to Chapter 9 (Board of Architectural Review), to read as follows:

§ 9-12. Solar Energy Equipment.

A. For any application for a building permit for solar energy equipment, written notice of the application and the date, time and place of the meeting at which it will be considered must be given to all adjacent property* owners not less than 10 days prior to the meeting date. Notice shall be by a method of mail or a delivery service company providing proof of mailing or delivery or by personal service of such notice on the property owners, evidenced by their signature as acknowledgment of receipt of such notice on a form supplied or similar to one supplied by the Village Clerk. Proof of service of the notice shall be filed prior to or at the meeting at which the application is considered.

* "Adjacent property" refers to any neighbor that shares a property line with the subject property as well as neighbors across any street from the subject property.

- B. In reviewing building permits for solar energy equipment, notwithstanding § 9-7, the Board of Architectural Review shall follow the Solar Energy Equipment Guidelines adopted by the Board of Trustees.
- C. The homeowner must demonstrate to the Board of Architectural Review that all reasonable options have been considered to achieve compliance with the Solar Energy Equipment Guidelines.

Section 3: Section 224-3 of the Zoning Code (Definitions) is hereby amended by adding the following new definitions:

SOLAR ENERGY EQUIPMENT - Any cell, panel, or other device that converts, absorbs, or transforms solar energy, including equipment for photovoltaic and solar thermal systems, as well as any supply lines, return lines, control valves, wiring, meters, switches, modules, batteries, inverters or other devices and their cabinets associated with the installation or function of a solar energy system.

SOLAR ENERGY SYSTEM - A photovoltaic system, a solar thermal system or any other system by which solar energy is used to generate electricity or heat.

Section 4: Section 224-3 of the Zoning Code (Definitions) is hereby amended by adding the following paragraph to the examples in the definition of "BUILDING":

- J. Solar energy equipment.

Section 5: Section 224-8.B of the Zoning Code (One-Family Residence Districts; Use regulations) is hereby amended by adding the following subsection to the list of permitted accessory uses:

- (9) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute.

Section 6: Section 224-8.B(9) is hereby designated § 224-8.B(10).

Section 7: Subsection A of § 224-36 (Business District; Use regulations) is hereby amended by adding the following subsection to the list of permitted uses:

- (17) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute.

Section 8: Section 224-46.B(1) (Railroad District; Use regulations) is hereby amended by adding the following subsection to the list of permitted uses:

- (n) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute.

Section 9: Subsection C of § 224-47.2 (Recreation District; Use regulations) is hereby amended by adding the following subsection to the list of permitted accessory uses:

- (6) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute.

Section 10: Section 114-1 (Schedule of Code fees and charges) is hereby amended by adding the new subsection to section number 95-13 (Building permit fees):

- (4) Applications for solar PV installations and replacements
 - \$85 application fee, plus
 - \$200 for systems up to 5 kilowatts
 - \$450 for systems above 5 and less than 10 kilowatts
 - \$700 for systems above 10 and less than 20 kilowatts
 - \$700 + \$250 for each

additional 10 kilowatts above
20 for systems above 20
kilowatts

\$75 Certificate of
Completion inspection

Section 11: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 12: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

SOLAR ENERGY EQUIPMENT GUIDELINES

(February 6, 2017)

Statement of Purpose: Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of these guidelines is to facilitate the development and operation of renewable energy systems based on sunlight. These guidelines are intended to balance the desirability and demand for alternative energy systems with maintaining the aesthetics of the Village, to minimize the potential for any negative impact by these systems, and to protect the health, safety and welfare of the residents of the Village. The Board of Architectural Review, pursuant to Village Code § 9-12, is to follow these guidelines in reviewing building permits for solar energy equipment.

Definitions: As used in these guidelines, the following terms shall have the meanings indicated:

FREESTANDING OR GROUND-MOUNTED - Directly installed in or on the ground and not attached or affixed to an existing structure.

SOLAR ENERGY EQUIPMENT - Any cell, panel, or other device that converts, absorbs, or transforms solar energy, including equipment for photovoltaic and solar thermal systems, as well as any supply lines, return lines, control valves, wiring, meters, switches, modules, batteries, inverters or other devices and their cabinets associated with the installation or function of a solar energy system.

SOLAR ENERGY SYSTEM - A photovoltaic system, a solar thermal system or any other system by which solar energy is used to generate electricity or heat.

Guidelines

1. All measures should be taken to avoid or mitigate any glare onto neighboring residential property or public rights-of-way.
2. To the greatest extent practicable, equipment shall be installed in a manner that minimizes its visibility from surrounding properties and public rights-of-way while maintaining viability and functional integrity.
3. To the greatest extent practicable, solar energy equipment shall use materials, colors and textures designed to blend with the structure to which it is affixed.
4. Solar energy equipment may be mounted on any section of the roof of a building provided it meets these guidelines and complies with the following requirements:
 - (a) On a pitched roof facing a street or public way, the equipment must be mounted flush, with the plane of the system parallel with the roof surface, and shall be

mounted as close to the roof surface as possible, but in no event may it be mounted more than 6 inches above the roof surface.

- (b) On a pitched roof the highest point of the equipment at full extension shall not extend beyond the highest point of the roof to which it is attached and must be set back in accordance with the current Uniform Fire and Building Code.
 - (c) On a flat roof, the equipment shall not extend above any cornice or parapet. Where there is no cornice or parapet, the equipment shall be set back from the roof edges four feet for each foot of solar energy system height.
 - (d) Solar collector units shall be consolidated to one area on the roof to the greatest extent possible, and shall not be scattered in multiple groups on the roof.
 - (e) The equipment shall be installed so as to appear regular in shape and arranged in a pattern that conforms with the general shape and configuration of the roof upon which it is mounted. When the arrangement of equipment is broken up by a building feature, the equipment shall be arranged symmetrically.
 - (±) The equipment and its installation shall not damage or obscure character-defining features, such as dormers, cornices, chimneys or roofline.
5. To the maximum extent possible, all solar energy equipment other than the collectors shall be located within the house or on the side or rear of the building.
6. Free standing and ground-mounted solar energy equipment shall comply with the following requirements:
- (a) It shall be located in a side or rear yard only and shall comply with all setback requirements for a principal building.
 - (b) At full extension, it shall not exceed 6 *Vi* feet in height above the ground, as measured to the highest point on the equipment. If the ground level is raised or built up for the installation, this height will be measured from the preexisting ground level.
 - (c) It shall be fully screened from adjacent properties by fencing, a combination of evergreen and deciduous plantings which shall not be less than 6 *Yi* feet in height when installed, or, when possible and practicable, through the use of architectural features or screening that will harmonize with the character of the property and surrounding area.
 - (d) All exterior electrical lines must be buried below the surface of the ground where possible or be placed in a conduit.

LOCAL LAW #4 OF 2017

**AMENDING THE IRVINGTON CODE WITH
RESPECT TO SOLAR ENERGY EQUIPMENT
AND SHARED SOLAR PROJECTS**

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

Section 1: Subsection A(17) of § 224-36 (Business District; Use regulations) is hereby amended to read as follows (new language in *italics*):

- (17) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit: *(a) the sale of excess power through a “net billing” or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute, or (b) a Community Distributed Generated (also called “Shared Solar”) project approved by the New York State Energy Research and Development Authority (NYSERDA).*

Section 2: Subsection B(1)(n) of § 224-46 (Railroad District; Use regulations) is hereby amended to read as follows (new language in *italics*):

- (n) Solar energy equipment, provided it is used only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected. Nothing contained in this provision shall be construed to prohibit: *(i) the sale of excess power through a “net billing” or similar program in accordance with New York Public Service Law § 66-j or similar New York State or federal statute, or (b) a Community Distributed Generated (also called “Shared Solar”) project approved by the New York State Energy Research and Development Authority (NYSERDA).*

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.