

**WORK SESSION AGENDA OF THE BOARD OF TRUSTEES
VILLAGE OF IRVINGTON, NY
WEDNESDAY, DECEMBER 14, 2016 at 7PM
IRVINGTON VILLAGE HALL – TRUSTEES’ MEETING ROOM**

1. Call to order by Mayor Brian C. Smith
2. Pledge of Allegiance to the Flag of the United States of America
3. Kick-off meeting for Comprehensive Plan update
4. Review of solar panel guidelines
5. Adjournment

COMPREHENSIVE PLAN UPDATE

Draft Scope – REVISED 11/29/2016

Affordable Housing

Update Comprehensive Plan to reflect the laws that have been adopted, the current goals of the Housing Committee, and the impacts of the housing settlement, if applicable.

Revitalized Business District

The goals and desires for the Village's business district should be reviewed and studied. Does the community want a vibrant business district? Does it want a closed, small mom-and-pop business district or an open district that welcomes outside chains? Identify strategies to get there.

Complete Streets Goal

The village needs to adopt a complete streets policy. It is unrealistic to think that all roads will be able to conform to the new policy given space constraints, but the goal should be formalized. Future roads, both public and private, should contain all of the necessary pedestrian and bicycle safety amenities and conveniences and a plan to address existing roads should be put together.

Updated Multi-Family (MF) Zone

Many believe the MF zone is outdated and not responsive to modern multi-family developments. This should be looked at.

Vision for Lower Main Street

Develop vision for DPW facility area. A vision plan should be put together.

Code Modernization

Be sure the code appropriately handles new 21st century creations, like Air BnB and Uber/Lyft, etc.

Encourage Adaptive Reuse of Significant Buildings

Maybe also look at provisions to address adaptive reuse of significant buildings. Bonuses for adaptive reuse / historic preservation, etc?

Historic Character

Review Comprehensive Plan to ensure that references to historic character are reflected appropriately through the plan.

Historic District

Properly reflect the establishment of the Historic District within the Comprehensive Plan.

Local Landmarks

Establish a goal of protecting local landmarks.

Tourism

Study ways to encourage heritage tourism (boutique hotels, bed and breakfasts, tours of historic properties).

Use of Alternative Energy

Incorporate the use of solar, geothermal, and other alternative energy technologies in the Village's long term goals, while regulating each appropriately.

Parking Garage

Identify areas that would be acceptable for the construction of a parking garage.

Broadway Character

Establish goals related to the character of Broadway (i.e., primarily residential, mix of residential and commercial, etc).

Museums

Review the code to as it pertains to the use of properties as museums. Two example properties are the CJ Walker Estate and the Octagon House.

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SOLAR ENERGY EQUIPMENT GUIDELINES

(June 2, 2016)

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.

QUALIFIED SOLAR INSTALLER/CONTRACTOR – A firm that employs or subcontracts a qualified person (installer) to supervise the installation. The installer shall have the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Contractors who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA) or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), Underwriters Laboratory (UL), or Journeymen Wiremen who have completed the International Brotherhood of Electrical Workers/National Electrical Contractors Association (IBEW/NECA) joint apprenticeship program shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA’s list or who do not hold these credentials may be deemed to be qualified solar installers if the Building Inspector determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely.

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. Solar energy equipment shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which it is erected, but 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.
2. Solar energy equipment shall be considered to be structures for the purpose of compliance with all Village laws and ordinances; shall require a building permit and certificate of occupancy issued by the Building Inspector; and shall comply in their design, construction and operation with all New York State, Westchester County and Village of Irvington laws and ordinances unless inapplicable by their terms or in conflict with these guidelines.
3. All measures should be taken to avoid or mitigate any glare onto neighboring residential property or public rights-of-way.
4. Equipment shall be installed and screened in a manner that minimizes its visibility from surrounding properties and public rights-of-way while maintaining viability and functional integrity.
5. 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.
6. Solar energy equipment may be mounted on a building or any section of the roof of a building provided it meets these guidelines and complies with the following requirements:
 - (a) On a pitched roof, 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 equipment shall not extend beyond the highest point of the roof and must be set back at least three feet from the roof edge and ridgeline.
 - (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 regular in shape and arranged in a pattern that matches the general shape and configuration of the roof upon which it is mounted and shall not damage or obscure character-defining features, such as dormers, chimney, roofline. When the arrangement of equipment is broken up by a building feature, the equipment shall be arranged symmetrically.
7. 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 ½ 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 ½ 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.
8. The solar energy system must be minimally disruptive to existing vegetation. Any trees proposed for removal must comply with Chapter 202 (Tree Preservation) of the Village Code, including replanting conditions imposed by § 202-5.

[Here is the relevant standard for removing a protected tree:

§ 202-5.A(4) The protected trees or shrubs are healthy but cause undue hardship by substantially interfering with a permitted and intended use of the property. No report from a certified arborist is required for a healthy tree. However, the applicant should supply a description of the intended use and why the protected trees or shrubs present an undue hardship.]

9. All solar energy systems must be installed by a qualified solar installer/contractor.

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LOCAL LAW ___ OF 2016

AMENDING THE IRVINGTON CODE WITH RESPECT TO SOLAR ENERGY EQUIPMENT (June 2, 2016)

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 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 proposed for construction 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, the Board of Architectural Review shall follow the Solar Energy Equipment Guidelines adopted by the Board of Trustees.

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 224-8.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.

Section 5: Section 224-8.B(9) is hereby designated § 224-8.B(10).

Section 6: 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.

Section 7: 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.

Section 8: 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.

Section 9: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 10: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.