

LOCAL LAW #4 OF 2024

**AMENDING THE VILLAGE CODE TO
LIMIT ARB REVIEW OF SOLAR PANELS AND
DEVELOPMENTS REQUIRING HOA APPROVAL**

(March 19, 2024)

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

Section 1: Section 9-6 of the Village Code is hereby amended to read as follows (new language in *italics*):

§ 9-6. Building permit applications.

- A. *Applications requiring ARB review.* 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, or for a permit for the erection of signs, solar energy equipment *in the Historic Overlay District*, 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.
- B. *Applications not requiring ARB review.* Notwithstanding the above, review and approval by the Board of Architectural Review shall not be required for the reconstruction or alteration of any dwelling unit in a community that requires HOA approval for exterior changes.

Section 2: Subsection A of § 9-12 of the Village Code is hereby amended to read as follows (new language in *italics*):

§ 9-12. Solar energy equipment *in the Historic Overlay District.*

- A. For any application for a building permit for solar energy equipment *in the Historic Overlay District*, 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. (NOTE: “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.) 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 acknowledgement 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.

Section 3: Paragraph (12) of § 224-8.B (Permitted accessory uses in one-family districts) is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

(12) Solar energy equipment provided *(a) that all reasonable options have been considered to achieve compliance with the Solar Energy Guidelines adopted by the Board of Trustees,¹ and (b) that 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. ~~For any application for a building permit for solar energy equipment, written notice of the application must be given to all adjacent property owners (including those across the street) and proof of such notice must be provided to the Building Department. The Building Inspector may not issue a permit for the solar energy equipment until two weeks have passed since said notice was given.~~*

Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

¹ The Solar Energy Guidelines are included as an attachment to Chapter 224, Zoning.