Local Law Filing

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☐ County
- ☐ City of BRIARCLIFF MANOR
- ☐ Town
- ☒ Village

Local Law No. 3 **of the year 20** 07

A local law TO ADD A NEW SECTION 220-9A FOR THE REGULATION OF
(Insert Title)
SOLAR ENERGY COLLECTORS

Be it enacted by the BOARD OF TRUSTEES **of the**
(Name of Legislative Body)

- ☐ County
- ☐ City of BRIARCLIFF MANOR **as follows:**
- ☐ Town
- ☒ Village

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW TO ADD A NEW SECTION 220-9A FOR THE REGULATION OF SOLAR ENERGY COLLECTORS

Final 6/7/07

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. The Village Code of the Village of Briarcliff Manor is amended to add a new Section 220-9A to read as follows:

"§220-9A. Regulation of Solar Energy Collectors

"A Statement of Purpose. The Board of Trustees desires to facilitate the noncommercial use of solar energy collectors to further energy saving and conservation, but the Trustees also recognize that regulation of the construction, placement, and operation of solar energy collectors are matters of public importance which concern issues of aesthetics, lighting, and the possible depreciation of property values by reason of improperly installed, placed, maintained, or operated solar energy collectors. This Section shall be read and construed in furtherance of the foregoing purposes and is enacted under the authority granted by New York State Village Law §7-700.

"B Generally Applicable Standards. All solar energy collectors shall be subject to the following requirements.

"(1) Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are 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 state or federal statute.

"(2) Solar energy collectors shall be located in areas and ways which most mitigate their visibility from surrounding properties.

"(3) Solar energy collectors shall not be unnecessarily bright, shiny, garish, or reflective.

"(4) Solar energy collectors 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 other Village laws and ordinances unless inapplicable by their terms or in conflict with this Section.

"C Additional Standards; Single Family Residential Zones. Solar energy collectors shall be permitted as an accessory use in any single family residential zoning district, subject to the following requirements.

"(1) Solar energy collectors mounted on a building or the roof of a building:

"(a) Shall not exceed the lesser of 900 square feet in area or 33% of the entire roof area.

"(b) Shall be mounted no more than 12 inches above the surface to which it is affixed.

"(c) Shall be installed in a manner that minimizes its visibility from public locations but still maintains its functional integrity and viability, and on a:

"(i) Pitched roof shall not extend beyond the highest point of the roof.

"(ii) Flat roof, shall not extend above any roof cornice.

"(2) Free standing solar energy collectors:

"(a) Located in any:

"(i) Rear yard shall comply with all rear and side line setback requirements and be at least 15 feet from every rear and side line at all points.

"(ii) Front or side yard shall comply with all front and side yard setback requirements and shall be subject to Site Plan approval under Village Code Section 220-14(c). The Building Inspector shall refer any application for a Building Permit to construct a free standing solar energy collector in a front or side yard to the Planning Board for Site Plan Approval under Village Code Section 220-14(c).

"(b) Shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area.

"(c) Shall not exceed the lesser of 1,000 square feet in area or 5% of the area of the lot on which it is located.

"(d) The plan submitted to the Building Inspector as a requirement for the issuance of a Building Permit for any such collector shall indicate all existing and proposed grading, excavating, filling, paving, fencing, and screening as it may relate to the proposed collector, shall indicate the location of all property lines and neighboring buildings, and shall comply with the requirements and standards of this Section, and the Building Inspector may refer any such application to the Architectural Review Advisory Committee for review and comment, but nothing contained in any such review or comment shall limit or otherwise affect the authority of the Building Inspector for issuance or denial of the permit.

"D Additional Standards; Multifamily and Commercial Zones. Solar energy collectors shall be permitted as an accessory use in any multifamily or commercial zoning district, subject to Site Plan approval under Village Code Section 220-14(C) and the following requirements.

"(1) Shall not exceed the lesser of 1,000 square feet in area or 33% of the area of the entire on which it is located.

"(2) The plan submitted to the Building Inspector as a requirement for the issuance of a Building Permit shall indicate all existing and proposed grading, excavating, filling, paving, fencing, and screening as it may relate to the proposed collector, shall indicate the location of all property lines and neighboring buildings, and shall comply with the requirements and standards of this Section and of Village Code Section 220-14, and the Building Inspector shall refer any such application to the Planning Board for Site Plan approval under Village Code Section 220-14(C).

Section 2. The Village Code is amended at Section 5-6 to add a new Paragraph C to read as follows:

"C The ARAC shall review and recommend approval, approval with conditions, or disapproval of all applications for Building Permits for solar energy collectors referred to it by the Building Inspector under Village Code Section 220-9A(C)(2)(d).

Section 3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 4. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York within the provisions of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 07 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on JUNE 7, 20 07, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 _____, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November_____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1_____, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 6-7-07

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Village Attorney, Wormser, Kiely, Galef & Jacobs
Title

County
City of Briarcliff Manor
Town
Village

Date: June 7, 2007