

**VILLAGE OF UPPER NYACK  
ARCHITECTURAL REVIEW BOARD MEETING  
Wednesday, September 6, 2023**

**MINUTES**

A meeting of the Architectural Review Board of the Village of Upper Nyack was held on the above date and called to order at 6:10 p.m. by Chairman Michael Williams.

**Other board members present:** Gretchen Reinheimer and Eileen McCabe Sares

**Absent:** Thomas Gaffney and Silvia Luzi

**Also present:** Janet Guerra, Board Secretary, and Noelle Wolfson, Esq., Consulting Village Attorney

**6:10 p.m.: Review of the minutes of the July 10, 2023 meeting.**

The Chairman asked the Board Secretary to follow up with the Code Enforcement Official regarding whether the applicant for approval of solar panels on the Property located at 19 Riverton Drive (approved at the Board's July meeting) complied with the condition to relocate the conduit.

There were no additional comments from the members of the Board.

**Motion to approve the minutes of the July 10, 2023 Meeting.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**6:14 p.m. Motion to open the meeting.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**6:15 p.m.: Nathalie Fiaschi, 3 Riverton Drive, County Map 60.13-02-81.02. Continued from April 6, 2023.** Application for architectural review of roof-mounted solar electric system on property improved with a single-family residence located in the OBRO (Office Business Residential Overlay)

**Applicant's Representative:** David Kawalsky, Kasselmann Solar, John Latino, Homeowner.

**Applicant Presentation:** Mr. Kawalski explained that the panels were previously installed on the roof of the Property. He indicated that the application was for approval of the panels as installed.

The Board's counsel gave a description of the procedural history of the application and prior approved plan. She explained that this application was first before the Board in March of 2023. At that time the submitted plan did not reflect the applicant's preferred layout of panels on the roof. There was an extensive discussion at the March meeting of the proposed panel array layout. The applicant made a supplemental submission for the Board's April 2023 meeting, which included plans showing the panels in the configuration discussed at the March meeting – 38 panels on the west (side) and south (rear) facing roofs.

The applicant then received a building permit to install the panels, but the installation was not completed in accordance with the approved plan.

The Chairman asked why the panels were not installed in accordance with the approved plan.

Mr. Kawalski did not know for certain, but explained that his understanding was that the panels did not fit within the roof as previously approved and there were roof penetrations that were not accounted for. He indicated that errors such as this rarely occur.

Mr. Kawalski explained that the total number of panels – 38 panels—remained as approved and they will continue to be located on the south and west facing roofs. No panels were added to the front roof. The change is in the configuration of the panels on the roofs.

Mr. Kawalski showed the proposed layout.

The Board's counsel showed the panel layout as approved and as proposed and there was a discussion about the differences (there were fewer panels on the rear facing roof and more panels on the side-facing roof). The Board members reviewed and discussed the proposed layout.

The Board members asked the applicant's representative if the installation was completed in accordance with required Codes (correspondence received from the Code Enforcement Official indicated that it was not clear that the installation was code compliant). There was a discussion about how best to confirm compliance with the Uniform Code and the Board decided to incorporate a verification of such compliance with the building department as a condition of any approval that would be granted.

There was a discussion about the Authority Having Jurisdiction ("AHJ") on the plans. The plans reference on some sheets the Town of Clarkstown and on others the Village of Upper Nyack as the AHJ. The plan set should be revised so that all the plans correctly identify the Village of Upper Nyack as the AHJ.

### **Motion to Open the Public Hearing.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

There were no comments from the members of the public.

**Motion to Close the Public Hearing.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**Motion to grant architectural approval for the proposed installation of roof-mounted solar panels (38 in total) on property located at 3 Riverton Drive subject to the following conditions:**

- 1. The installation of the solar panels shall comply with the following plans and specifications: Plan set prepared by Kasselmann Solar, dated 9/6/22, last revised 5/23/23 and submitted to and reviewed at the September 6, 2023 meeting consisting of the following plans:**
  - a. Cover Sheet (PV-0)**
  - b. Site Plan with Roof Plan (PV-1)**
  - c. Site Plan with Roof Plan (PV-2)**
  - d. Attachment Details (PV-3)**
  - e. Structure Elevation (PV-3.1)**
- 2. The panels to be installed shall be REC SOLAR REC405AA PURE BLACK (405W) MODULES. The applicant's representative confirmed that these are the panels that were installed.**
- 3. Prior to the issuance of a Certificate of Occupancy, the Plans shall be updated to reflect the Village of Upper Nyack as the AHJ and resubmitted.**
- 4. Since the approved plan was amended on site, the Applicant shall submit a signed and sealed letter of compliance from a qualified professional confirming that the installation complies with all applicable provisions of the 2020 NYS Uniform Fire Prevention and Building Code and, specifically, that the amended installation is in compliance with all requirements of the NYS Residential Code Section R324. Such letter shall be submitted prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. If any modification of the panel layout is required in order to ensure such compliance, further review by the Architectural Review Board shall be required.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Michael Williams

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

Mr. Latino asked whether an architect or engineer should provide the code compliance certification. The applicant was advised to consult with Mr. Wanamaker, the Code Enforcement Official, on who should provide the certification.

**6:40 p.m.: Patricia Mann, 115 Lexow Avenue, County Map 60.09-03-35.** Application for architectural review of roof-mounted solar electric system on property improved with a single-family residence located in the R-20 Residential Zoning District.

**Applicant Representative:** John Merriam, Integrity Solar

**Applicant Presentation:** Mr. Merriam explained that the panels are proposed to be installed on the rear roof of the residence. He presented photographs of the residence and explained how the panels will be located, noting that none will be located on the front roof.

Mr. Merriam further explained with reference to the photographs of the house where the meter and inverter would be located. He also explained how code compliance and system efficiencies informed the design of the proposed panel arrays.

Board Member Reinheimer asked if the panel specifications were included in the applicant's submission. Mr. Merriam indicated that they were and he reviewed plan sheet D-1, which included the panel specifications. He also reviewed and described the proposed panel mounting system.

The Chairman asked if roof shields were proposed, but Mr. Merriam indicated that they were not necessary for the proposed design.

**Motion to open the public hearing.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

There were no members of the public who wished to comment.

**Motion to close the public hearing.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**Motion to grant architectural approval for the proposed installation of roof-mounted solar panels (26 in total) on property located at 115 Lexow Avenue on the following conditions:**

- 1. The installation of the solar panels shall comply with the following plans and specifications: Plan set prepared by Integrity Solar Solutions, dated 5/7/2023 and submitted to and reviewed at the September 6, 2023 meeting consisting of the following plans:**

- a. Cover Sheet (C-1)
- b. Title Sheet (T-1)
- c. PV Equipment Plan (M-1)
- d. PV Single Line Plan (E-1)
- e. Module Data Sheet (D-1)
- f. Inverter Data Sheet (D-2)
- g. Optimizer Data Sheet (D-3)
- h. Attachment Data Sheet (D-4)
- i. Attachment Data Sheet (D-5)
- j. Railing Data Sheet (D-6)
- k. Warning Placards (L-1)

**Any alteration to the layout of the panels shall be subject to review and approval by the Architectural Review Board prior to installation.**

**2. The panels to be installed shall be LG NeON2 440W, black modules.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**6:51 p.m.: John and Laura Glynn, 212 Radcliff Drive, County Map 60.05-02-50.**

Application for architectural review of roof-mounted solar electric system on property improved with a single-family residence located in the R-40 Residential Zoning District.

Applicant Representative: Patrick Canty, Empire Solar

Applicant Presentation: Mr. Canty presented the proposed panel layout plan (Sheet S-2) and explained that the applicant is proposing one array of 33- RAC 420 Watt panels on the front roof of the existing residence. It was necessary to use the front roof for the array on this Property because it is a south facing higher roof plane and provides the best location for solar coverage.

Mr. Canty explained the panel mounting mechanism and explained that the panels that are proposed for this application use microinverters (inverters at each panel) that connect to a combiner box on the side of the residence.

There was a discussion about the model of the panel, including the color and whether it has a “checkerboard” pattern. There was also a discussion about whether the panel frame would be silver or black. The applicant confirmed that the frame was black and the panel would be black.

**Motion to open the public hearing.**

**MOTION:** Gretchen Reinheimer

**SECOND:** Eileen McCabe Sares

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

There were no members of the public who wished to comment.

**Motion to close the public hearing.**

**MOTION:** Michael Williams

**SECOND:** Gretchen Reinheimer

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**Motion to grant architectural approval for the proposed installation of roof-mounted solar panels (33 in total) on property located at 212 Radcliff Drive on the following conditions:**

- 1. The installation of the solar panels shall comply with the following plans and specifications: Plan set prepared by Empire Solar, dated 6/29/2023 and submitted to and reviewed at the September 6, 2023 meeting consisting of the following plans:**
  - a. Project Site Plan and Notes (S-1)**
  - b. Solar Roof Layout Plan (S-2)**
  - c. Solar Panel Attachment Plan 1 (S-3)**
  - d. Solar Panel & Inverter Specifications (S-4)**
  - e. Solar Panel 3-Line Diagram (S-5)**

**Any alteration to the layout of the Panels shall be subject to review and approval by the Architectural Review Board prior to installation.**

- 2. The panels to be installed shall be REC Alpha Pure R Series 420W Solar Modules, Color Black, with a Black Frame.**

**MOTION:** Michael Williams

**SECOND:** Gretchen Reinheimer

**VOTE:** 3 (yes) – 0 (no), 2 (absent)

**7:00 p.m. Motion to adjourn the meeting.**

**MOTION:** Michael Williams

**SECOND:** Gretchen Reinheimer

**VOTE:** 3 (yes) – 0 (no), 2 (absent)