

SOLAR PANEL INSTALLATIONS

NYC Department of Buildings – March 31, 2022



Solar Permits Processing at the DOB

- Overview
- General Requirements
- Solar Approval / Permit / Sign off
- Property Tax Abatement Program
- Zoning Requirements
- Specialized Applications
- Contact



Where we are

- Total PTA4 and Non PTA4 applications filed (DOB records start from 2011)
 - 2011 - **165 Applications**
 - 2012 - **277 Applications**
 - 2013 - **761 Applications**
 - 2014 - **2016 Applications**
 - 2015 - **2399 Applications**
 - 2016 - **4084 Applications**
 - 2017 - **4631 Applications**
 - 2018 - **5815 Applications**
 - 2019 - **5577 Applications**
 - 2020 - **5190 Applications**
 - 2021 - **6012 Applications**
- All solar jobs, **both PTA and non-PTA** are still filed as a BIS application through **e-filing** and reviewed by HUB Full Service / HUB Self Service. Solar applications are **NOT** filed through **DOBNOW**. It should be noted that as of 06-01-2020, non-tax abatement applications no longer have the option to be reviewed in the Boroughs.
- PTA applications can be filed through **HUB Self-Service** (Professionally Certified) if they consists of 1- or 2-family residences, have sloped roofs per FDNY definition and do not exceed 10 kW. These requirements do not apply for non-PTA applications.



Where we are (con't)

- Per [Senate Bill 7508B](#), eligibility for the Property Tax Abatement has been extended for Solar systems placed in service before January 1, 2024 if the solar electric generating system is placed in service on or after January first, two thousand fourteen, and before January first, two thousand twenty-four. For each year of the compliance period such tax abatement shall be the **lesser** of:
 - (1) five percent of eligible solar electric generating system expenditures; or
 - (ii) the amount of taxes payable in such tax year; or
 - (iii) sixty-two thousand five hundred dollars (maximum abatement permitted)
- Local Laws 92 and 94/2019 - Effective November 15, 2019, These laws amend the 2014 Administrative Code and Chapter 15 of the New York City Building Code to require, subject to certain exceptions, new buildings, new roofs resulting from enlargement of existing buildings, and existing buildings replacing an entire existing roof deck or roof assembly to be provided with a “sustainable roofing zone,” 100 percent of which must either be a solar photovoltaic electricity generating system, a green roof system, or a combination thereof. [BB 2019-010](#)
- Battery back-up system tax abatement filing protocols are being established.



Where we are going

- Zoning Resolution revised to include additional locations where solar panels can be installed. For example, accessory power systems, including but not limited to, generators, **solar energy systems**, fuel cells, batteries and other energy storage systems are now permitted in required yards.
- Energy storage tax abatement to be written into 1 RCNY 105-02 (in process)
- At a future date, solar applications will be filed through DOB NOW.



General Requirements

Construction Project Requirements by NYC Department of Buildings



- **Construction Permit** – required before beginning of installation
- **Electrical Permit** – required before beginning of installation
- **Construction Sign-off** – required following the completion of installation and provided by the Department Of Buildings
- **Electrical Sign-off** – required following the completion of installation and provided by the Department Of Buildings
- **Con Edison Connection Letter** – required following the completion of installation and provided by Con Edison
- **OTCR Approval** – for applications with a battery back-up storage component, conditional approval required prior to beginning of installation and final approval required following the completion of installation



General Requirements

Filing Requirements at the NYC Department of Buildings

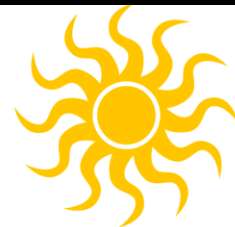
- **Projects filing for the Property Tax Abatement (PTA)** must be e-filed through Hub Full Service as Professional Certification of Objections protocol or, for 1- and 2-family homes with pitched roofs (as defined by FDNY) and a maximum of 10Kw, as a Professionally Certified application through Hub Self Service.
- Property tax abatement applications **must** be filed as work type **OT- SOLAR TAX**. Applications filed as **OT- SOLAR** will not qualify for a tax abatement. **DOB cannot modify the work type on an application once it has been submitted to the DOB for review.**
- **Projects NOT filing for the Property Tax Abatement (PTA)** are also filed through e-filing at Hub Full Service or Hub Self Service. As previously stated, the Boroughs no longer review non-PTA applications.
- **BB 2018-008** requires a final inspection by the design professional of record for many Alteration Type 2 work types, including OT-SOLAR TAX. An additional construction and electrical inspection shall be provided by the Department for PTA's.



Licensing Requirements

- **New York State Registered Architect (RA) or Professional Engineer (PE)**
Required to submit drawings to obtain building permits and considered applicant of record, or AOR. Anyone can prepare applications, but license numbers and seals are required on forms officially submitted to DOB and FDNY as required.
- **NYC Certified Asbestos Investigator-** The NYC DEP requires a Certified Asbestos Investigator to verify if there is asbestos containing material (ACM) in the area construction is taking place. The exception is for buildings constructed per plans approved after April 1, 1987. The asbestos forms must be submitted through ARTS (Asbestos Reporting and Tracking System), and signed/sealed by the Certified Asbestos Investigator.
- **NYC Registered Special Inspector and Special Inspection Agency– TR1**
Special Inspections must be completed and signed by a registered Special Inspector or Special Inspection Agency. AOR may perform Progress Inspections and may be qualified to perform Special Inspections.





Electronically Filing Minor Alterations: Type 2

Step 1: **File your application online**

Fill out your forms online, upload all documents and drawings through e-filing.

Step 2: **Pay online**

Debit/Credit cards and E-checks are accepted online

Full payment at time of filing will expedite issue of Permit

Step 3: **Submit**

Hub Full Service: Submit job online for review as Professional Certification of Objections – no meetings are required.

Hub Self Service: Submit Professionally Certified jobs online for instant approval – these jobs are subject to random audit.

Step 4: **Obtain Construction Permit**

Electronically submit PW2 Form and other documents through e-filing.

- Download the Permit



Required Forms for Construction Approval / Permit



- **EF1** Cover Sheet for E-Filing Application
- **PW1** Plan Work Approval
 - Project / site / building characteristics and zoning information. Applicant and owner information
- **PW2** Work Permit Application
 - Can be submitted at the same time as PW1, or after Plan Approval; usually signed by contractor, may be signed by PE or RA. Processed after plan approval
- **PW3** Cost Estimate
 - Application fees are based on construction cost. PTA applications are limited only to work pertaining to the solar installation.
- **TR1** Technical Report, Statement of Responsibility
 - Special Inspections: Structural Stability, Fire-Resistant Penetrations and Joints,
 - Progress Inspections: Energy Code Compliance Inspections, Final
 - Other Special / Progress Inspections: As applicable



Required Forms for Construction Approval / Permit (cont'd)

- **TR8** Technical Report, Statement of Responsibility
 - Progress Inspections: Air Sealing and Insulation
- **TPP** Tenant Protection Plan - If Building is occupied during construction.
 - As of November 10, 2020 (see November 2020 Service Notice), the TPP is now a required item submitted **prior to permit** and submitted through **DOBNOW**, Previously, it was an item required prior to approval and reviewed by Plan Examiner. See service notice for updated requirements on who is permitted to file TPP.
- **ACP7/ACP21 or ACP5** Asbestos documents submitted to DEP
 - ACP7/ ACP21 Asbestos containing material (ACP) are present where construction will occur, where the work will disturb 25lf or 10sf of asbestos containing material. Asbestos must be properly abated prior to issuance of construction permit.
 - ACP5 – Minor project where less the above will occur. Submitted prior to approval.
 - Exemption: buildings constructed per plans approved on or after April 1, 1987



Required Forms for Construction Approval / Permit (cont'd)

- **PW2** Work Permit submitted through e-filing
- **L2** If any L2 is required prior to permit, it should be submitted through DOB NOW

Items Required for specific job types only

- **PTA4** Property Tax Abatement
 - For projects requesting PTA. Preliminary form at filing.
- **FDNY Letter of Acceptance**
 - Required when variance to Fire Code requested and approved – TM-5
- **POC1** Professional & Owner Certification
 - On-line form for Professionally Certified Applications filed through Hub Self Service (HSS)



Required Forms for Construction Approval / Permit (cont'd)

Items Required for specific job types only (con't)



- **AOS1** Professional/Owner Signature
 - On-line form for applications filed at Hub Full Service
- **PW1B/Plumbing Riser Diagram** Schedule B Plumbing
 - Required for Solar Thermal applications
- **Landmarks Preservation** - For projects within a Landmarks Preservation District or for an individual Landmark.
 - Certificate of No Effect – for existing buildings
 - Certificate of Appropriateness – for new buildings
- **Public Design Commission**
 - Approval for buildings that are on city owned property, excluding NYCHA
- **OTCR**
 - Approval for buildings that incorporate electrical energy storage equipment into design



Required Signatures

- **Building Owner**
- **NYS Registered PE or RA**
- **General Contractor**
- **Certified Asbestos Investigator**
- **Notary**



Required Items On Architectural Drawings

- **Plot plan** - location of the building on the site indicating pertinent trees, structures, city services, utilities, site hazards and adjacent buildings.
- **Site plan, roof plan(s), elevation(s)** - showing the solar modules in place, other equipment and structures pertinent to or having impact on code compliance of the system, Fire Code compliance.
- **System Components**
- **Location of Main Meter, AC Disconnect Switch, Inverter(s)**
- **Zoning compliance** - including height and setback requirements for specific Zoning District.
- **Flood Hazard compliance** - if applicable. Include FIRM/PFIRM, substantial improvement calculations, BFE, DFE and other flood lines on elevations.



Required Items On Architectural Drawings (cont'd)

- **Energy Analysis** – NYCECC and Special Inspections Matrix
- **Anchorage & Racking System** - listed as an assembly, including structural criteria
- **Structural & Wind Analysis/statement**
- **Fire Department access** - for firefighting and maintenance (Fire Code § 512). Provide access landing, fire access path and railings as required.

Note: No electrical drawings are required for architectural plan approval. The exception is that a separate filing for electrical plan examination is required when the solar equipment is above 600 volts, the solar system is 1000KVA or above, or it is connected to the 1st or 2nd level OCPD of an existing 1000KVA service.



Required Items for Electrical Permit / Sign off

- **ED16A** – file electronically through the DOB NOW online filing system. Must be filed by NYC Master Electrician
- **Work Permit issued** – no plan review required except for systems above 600 volts OR 1000KVA and above.
- **Pre-Determination CCD1** – as required – to be elaborated on in separate slide.
- **Electrical Inspection** – Arrange for DOB Electrical Inspection for sign-off. A Three Line Electrical Diagram is required at the time of sign-off inspection.
- **Note** - These items are pursued independently from the Construction Drawing approval.



CCD1 Electrical Pre-Determination / When required



Currently, NYC adopts the 2008 NEC (2011 NYCEC). A practical difficulty of complying with Article 690 of the 2011 NYCEC for solar Systems over **600 Volts** requires applicants to file a Pre-Determination CCD1 in order to use the 2014 NEC for solar installation and inspection. NYC will be adopting the 2014 NEC.

For applications that are for proposals 1000KVA or above, OR for systems connected to a 1st or 2nd level of an existing 1000KVA service, a filing for electrical plan examination is required.

File CCD1 through HUB Full Service at HubFSDeterminations@buildings.nyc.gov

Request will be logged in and forwarded to Technical Affairs to continue review. After review, Technical Affairs refers response to HUB Full Service. HUB Borough Commissioner reviews/signs CCD1. CCD1 then forwarded back to Technical Affairs and Applicant for Record.

Technical Affairs works with HUB Full Service to expedite applications based upon volume.



To Obtain Property Tax Abatement

- The signed-off application must be submitted to DOB by March 15, in order for the abatement to commence on July 1 of that year. This includes filing some items through e-submit, and some items through DOB NOW. Items that are required after permit / construction are as follows:
 - Submit any PAA's for as-builts, etc. through e-filing (notify HUBFSProjectAdvocate@buildings.nyc.gov) once documents are uploaded.
 - After work is completed, request construction inspection through DOB NOW.
 - Request electrical inspection through DOB NOW.
 - Obtain Con Edison Utility Letter.
 - Upload PW7, Final PTA4, PW3, EN2, TR1, TR7, and all other required sign-off documents (including Construction and Electrical inspection approval) through e-submit. These documents all to be uploaded at the same time.



To Obtain Property Tax Abatement

- Email greenroofandsolar@buildings.nyc.gov to request sign-off. Please ensure that all required documents/inspections have been satisfactorily completed.
- DOB reviews the documents and signs off the job / creating a Letter of Completion (LOC).
- DOB submits to DOF
 - After DOB sign-off is completed, DOB sends list of applications to DOF for processing. DOF sends letter to Owner outlining eligible expenditures, percentage of property tax deduction, start and end dates of tax abatement.



Electric Energy Storage System

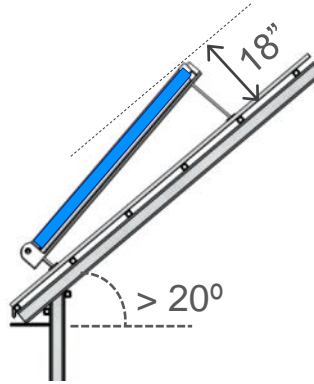
Updates to 1 RCNY 105-02

- The DOB is proposing to amend its rules of 1 RCNY 105-02 to add requirements for approval of a property tax abatement application for the installation of **electrical energy storage systems**.
- A public hearing was held on 3/28/2022.
- The text can be found on the City Record website. It will give you a complete overview as to how to file, what documents are required, etc. You can reference the following link:
- <https://a856-cityrecord.nyc.gov/RequestDetail/20220218004>



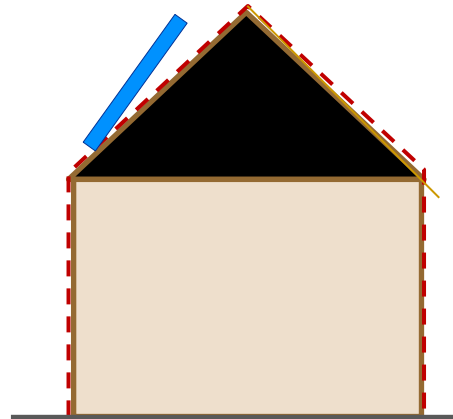
Zoning Requirements

Solar PV As A Permitted Obstruction On Pitched Roofs



On slopes greater than 20 degrees, solar panel height shall be limited to 18" measured perpendicular to roof surface beyond the permitted zoning envelope

This 18" permitted obstruction also applies to existing non-compliant structures. Many existing buildings in NYC were constructed prior to the current Zoning Resolution Text.



Permitted obstruction allowance for Solar Energy Systems on Roofs in Pitched Roof Zoning Districts

- (Applies in R1 through R5 Zoning Districts)



As per ZR 23-62 (m)(1):

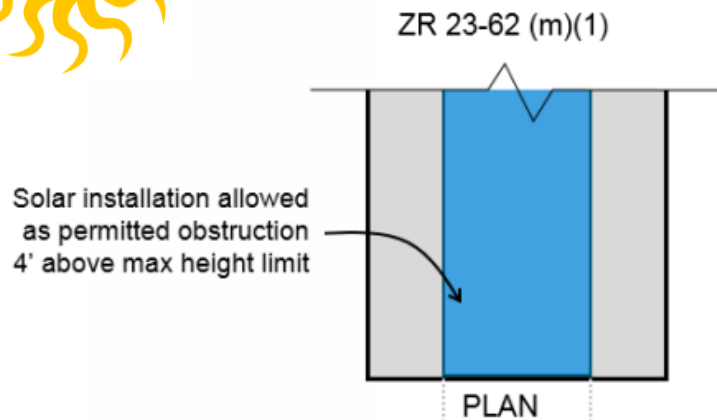
- Solar installations are allowed on flat roofs, without square foot limitations, up to a height of 4 feet, measured from the maximum building height or the existing height of the building, whichever is greater. Installations above this 4 foot height are depend on specific Zoning District.
- In districts where zoning envelope is determined by a sloping plane, **the 4 foot height is measured vertically, instead of perpendicular, to the sloping envelope.** This is as measured from the maximum permitted perimeter wall height. We will refer to the following slides for further clarification as to how to calculate height for permitted obstructions.



Zoning Requirements

Solar energy canopy up to 4 feet above envelope

For flat roofed buildings in Zoning Districts where zoning envelope is determined by a sloping plane above a maximum perimeter wall height, solar canopies may be proposed.



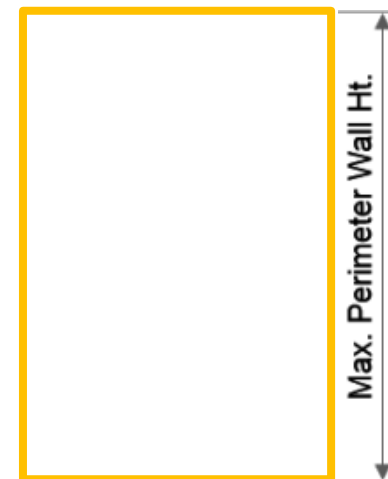
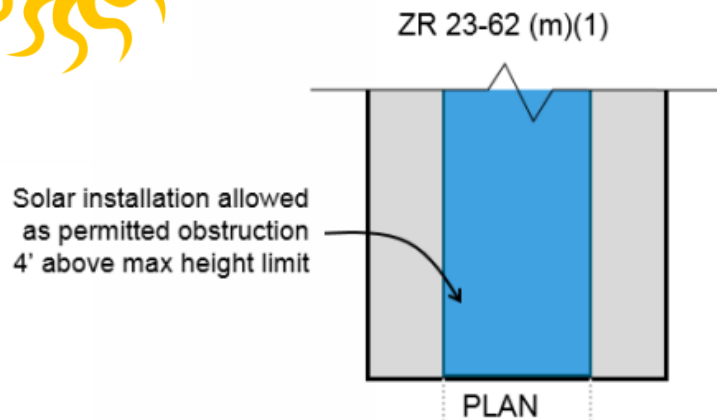
- Solar canopy support structure may be included in the cost of the system.
- Provide 9'-0" clear under canopy for FDNY access path per FC 504.4.



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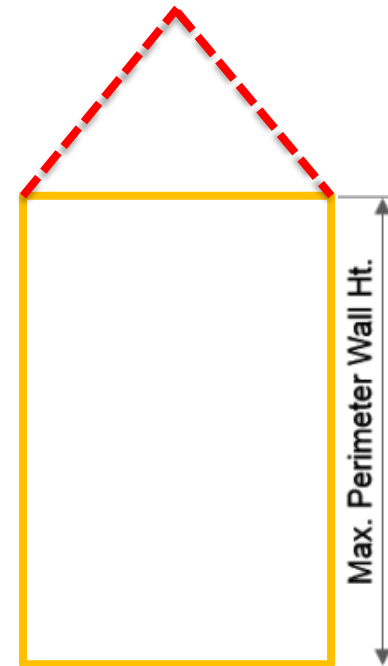
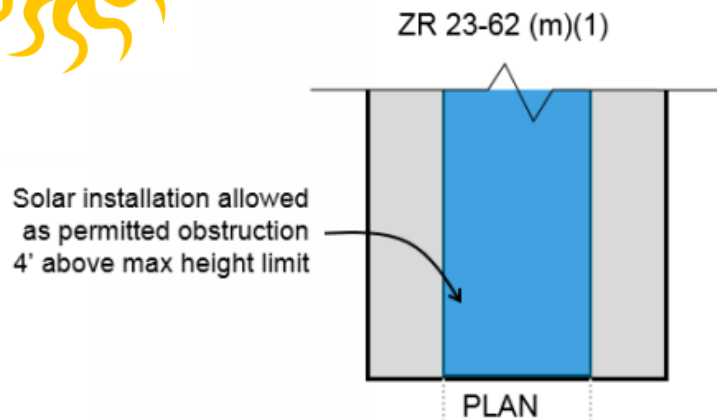
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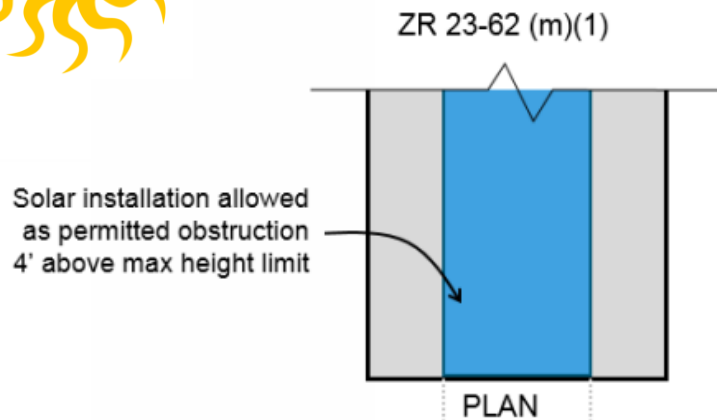
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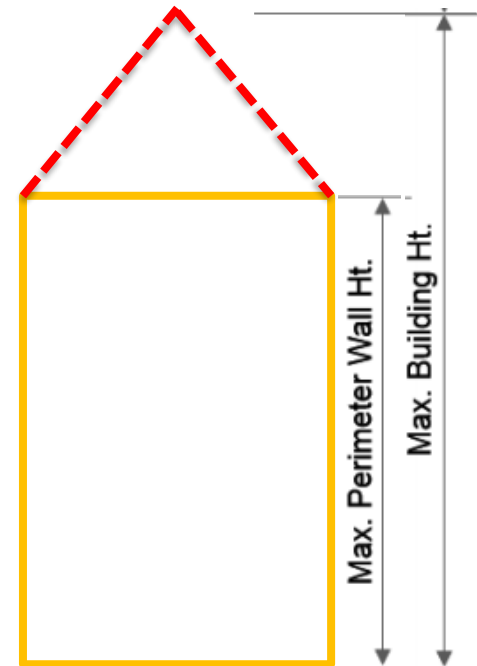
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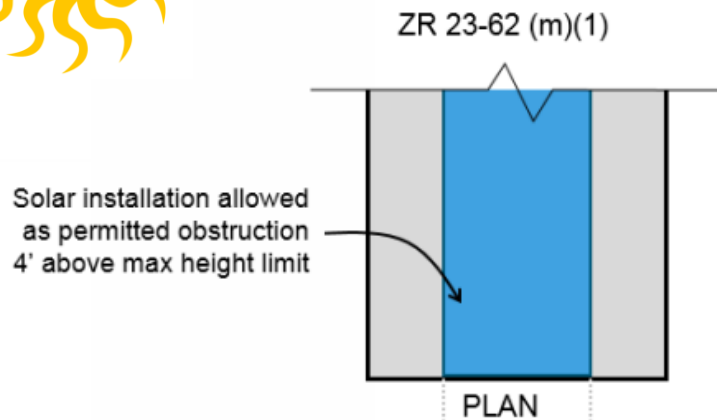
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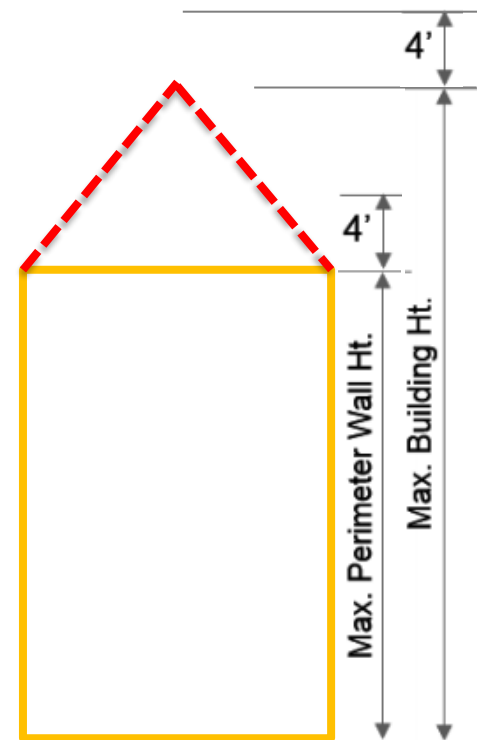
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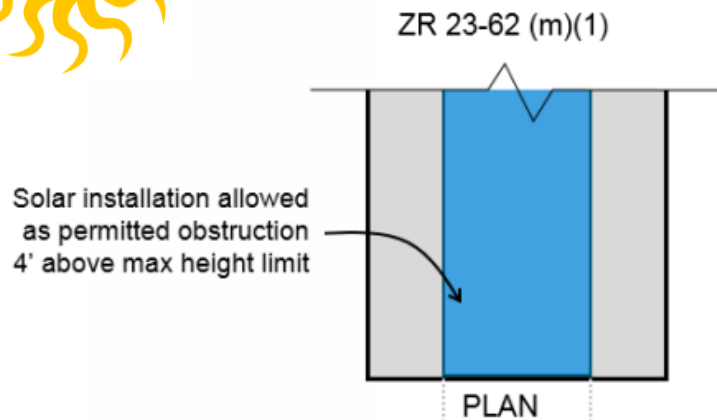
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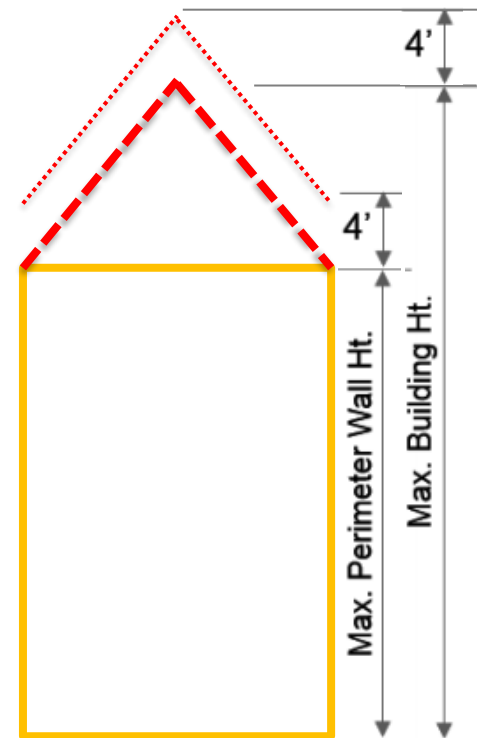
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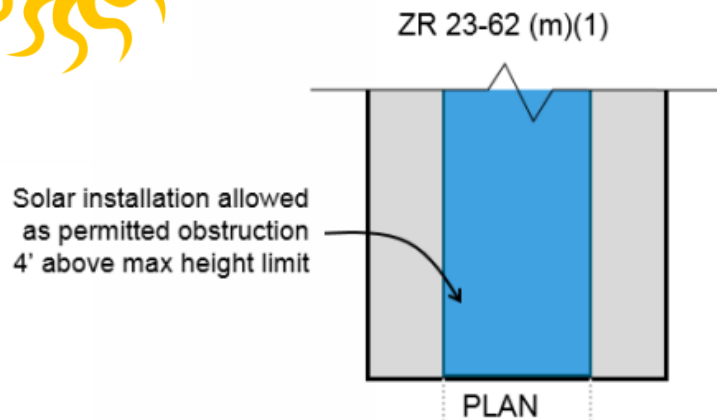
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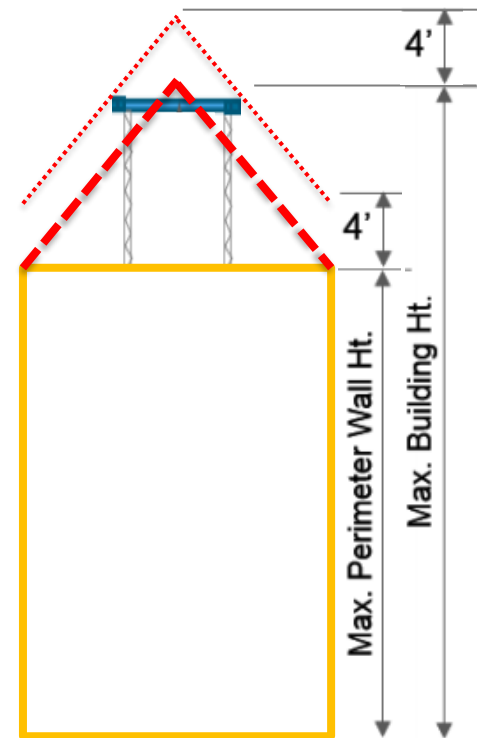
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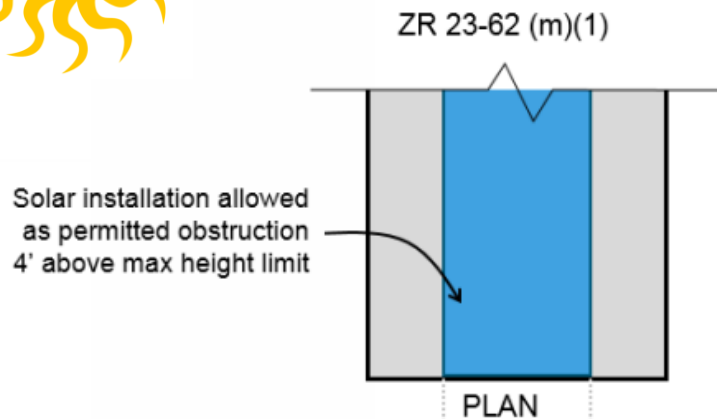
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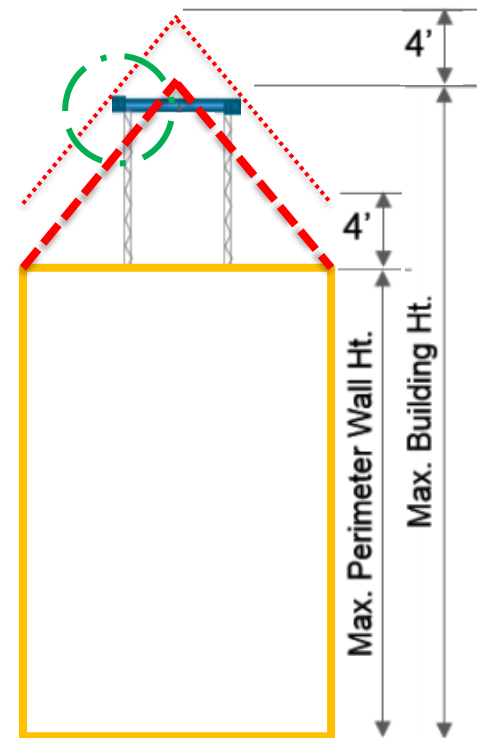
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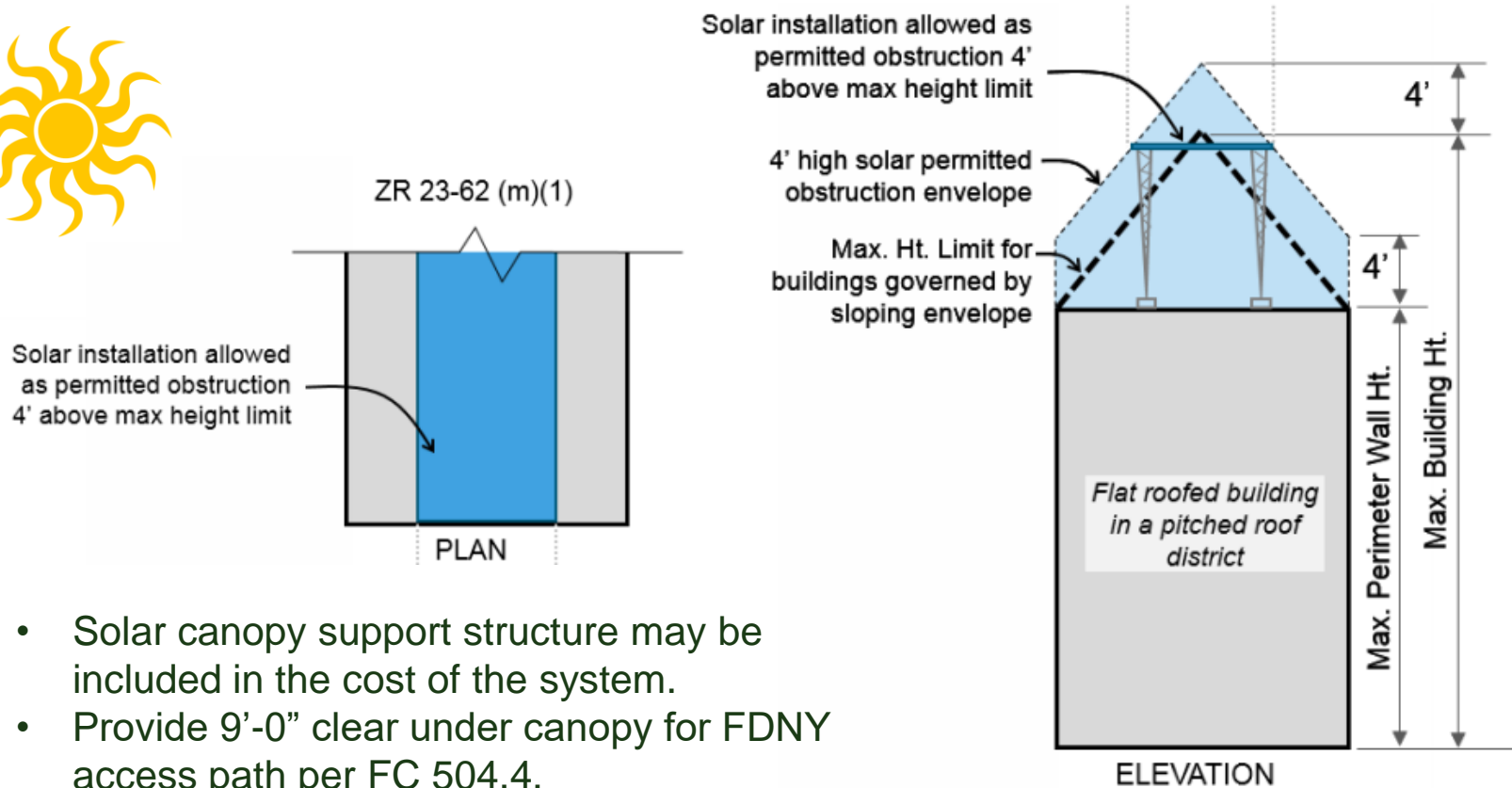
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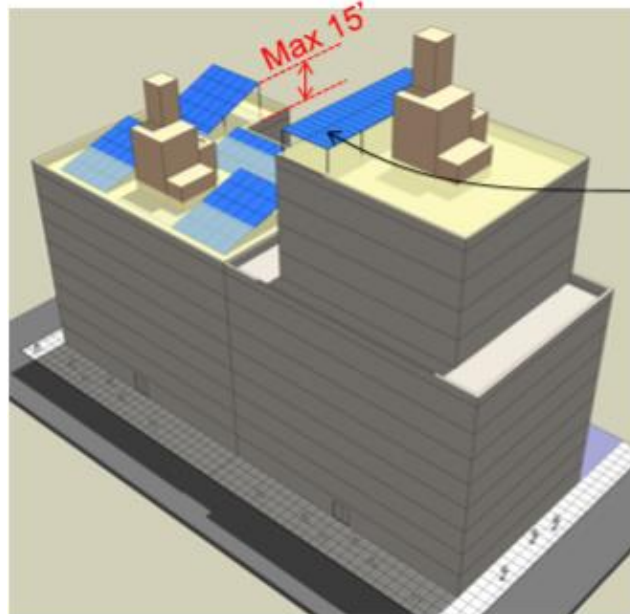
Solar installations higher than 4' in Residential Districts

The Zoning Resolution allows solar panels, as a permitted obstruction, 4'-0" above roof level as measured from the maximum permitted building height, per Zoning Resolution, or the existing height of the building, whichever is greater

Per 23-62 (m)(2), solar installations may be installed higher than 4 feet on Residential Buildings per the following Districts:

1. In R1 – R5 Districts, to a height of 6 feet.
2. In R6 – R10 Districts, to a height of 15 feet

- a) must be setback 6' from the street wall;
- b) coverage is limited to 25% of roof area, calculated based on the roof on which solar panels are installed if multiple roofs.



Zoning Requirements

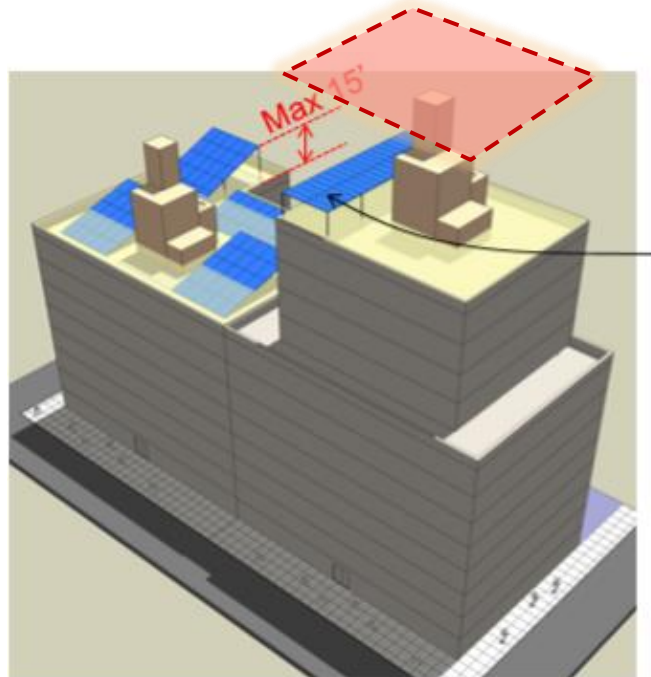
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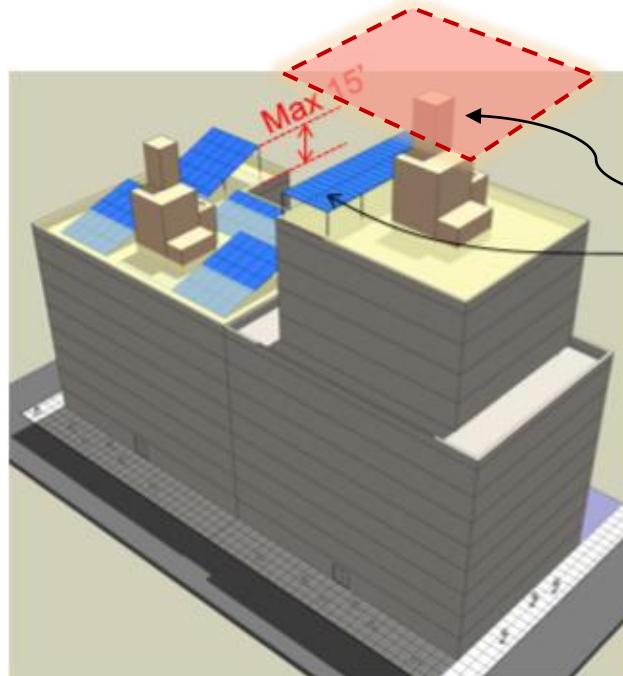
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ZR 23-62 (m)(2)(ii)
25% coverage allowance is calculated based on the area of roof on which solar is installed



Zoning Requirements

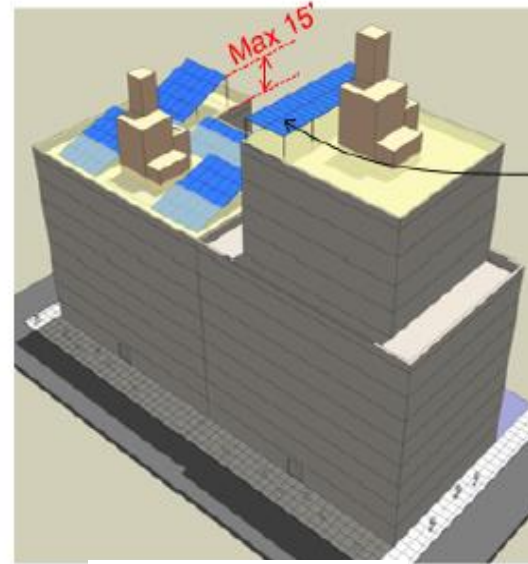
Solar installation higher than 4' in Commercial Districts

The ZR permits installation of solar panels 4'-0" above roof level measured from the maximum permitted building height, per the Zoning Resolution, or the height of the existing building, whichever is greater .

Per 32-42(n)(2), solar installations higher than 4 feet buildings in Commercial Districts |

1. In Commercial Districts mapped within R1 – R 5 Districts and in C3 and C4-1, to a height of 6 feet.
2. In all other Commercial Districts and Commercial Districts mapped within R6 – R10 Districts, to a height of 15'
3. When located on a bulkhead, to a height of 6'.

a). Setbacks and roof coverage as per ZR 32-62(m)



ZR 23-62 (m)(2)(ii)

25% coverage allowance is calculated based on the area of roof on which solar is installed



Zoning Requirements

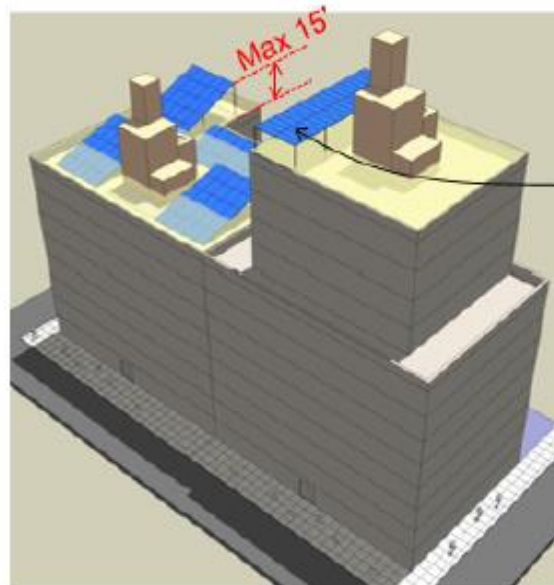
Solar installation higher than 4' in Manufacturing Districts

The Zoning Resolution allows solar panels, as a permitted obstruction, 4'-0" above roof level as measured from the maximum permitted building height, per Zoning Resolution or the existing height of the building, whichever is greater .

Per 42-42(m)(2), solar installations higher than 4 feet on buildings Manufacturing Districts per the following:

1. A height of 6 feet.
2. A height of 6 feet on bulkheads.

a) Setbacks and roof coverage as per ZR 32-62(m)



ZR 23-62 (m)(2)(ii)

25% coverage allowance is calculated based on the area of roof on which solar is installed

Solar installations on non-complying buildings or non-conforming uses

- Solar installations on buildings with **non-conforming** uses shall be considered “*incidental alterations*” per ZR 12-10. Such installations shall be subject to permitted obstruction regulations **measured from the existing height of the building rather than maximum height of the applicable district.**
- ZR 12-10 - “*incidental alterations*”: (a) Changes or replacements in the non-structural parts of a #building or other structure#.....



Zoning Requirements

Local Law 92/2019 and 94/2019

- As stated in previous slide - Local Laws 92 and 94 of 2019 amend the 2014 Administrative Code and Chapter 14 of the New York City Building code to require, subject to certain exceptions, new buildings, new roofs resulting from enlargement of existing buildings, and existing buildings replacing an entire existing roof deck or roof assembly to be provided with a “sustainable roofing zone”, 100 percent of which must be a solar photovoltaic electricity generating system, a green roof system, or a combination thereof.
- Refer to **Buildings Bulletin 2019-010**.
- Applies to projects with construction documents approved on or after November 15, 2019, unless the construction documents have attained BIS job status K (plan exam partial approval) prior to such date.
- Tax Abatement permitted. For solar tax abatement, solar component to be filed as a separate application per previously presented requirements.
- Zoning Resolution as presented applies.



Flood Zone Requirements

For buildings situated in a Special Flood Hazard Area



- **FIRM / PFIRM Maps.**
- **Substantial improvement calculations (if required)**
- **Indication of BFE/DFE on elevations**
- **TR1 Form - Flood Zone Compliance - BC 1704.29 - BC G105 (may be required)**
- **Site Survey:**

Option I: *Site Survey or Elevation Certificate* stamped by NYS licensed surveyor within the last year.

Option II: *Site Survey or Elevation Certificate* older than one (1) year. This requires a professional statement and seal by applicant of record on an AI-1 Form noting: ***“The Site Survey is consistent with current site conditions”.***

Option III: Where all the equipment, other than the AC disconnect switch, is located on the roof, the Applicant shall include a utility certification on the plans stating:
“I certify to the best of my knowledge, belief, and professional judgment, all work under this application is installed above the DFE in accordance with the appendix G of the NYC Building Code except for the AC disconnect switch and conduit connection to the AC disconnect.”

Equipment Locations in Flood Zone Projects

- Con Edison utility meter (whether new or existing) can be located anywhere the utility company requests (i.e. above or below DFE)
- Any new meter, from solar company, and any other new equipment must be located above the DFE (Design Flood Elevation). Existing equipment may remain in current location.
- The AC disconnect switch may be located below the DFE and must be readily accessible per NEC article 100. The Center Line of the operation handle, when it is in the highest position can not be more than 2.0 m (6'-7") above ground floor or working platform.



Ballast Projects



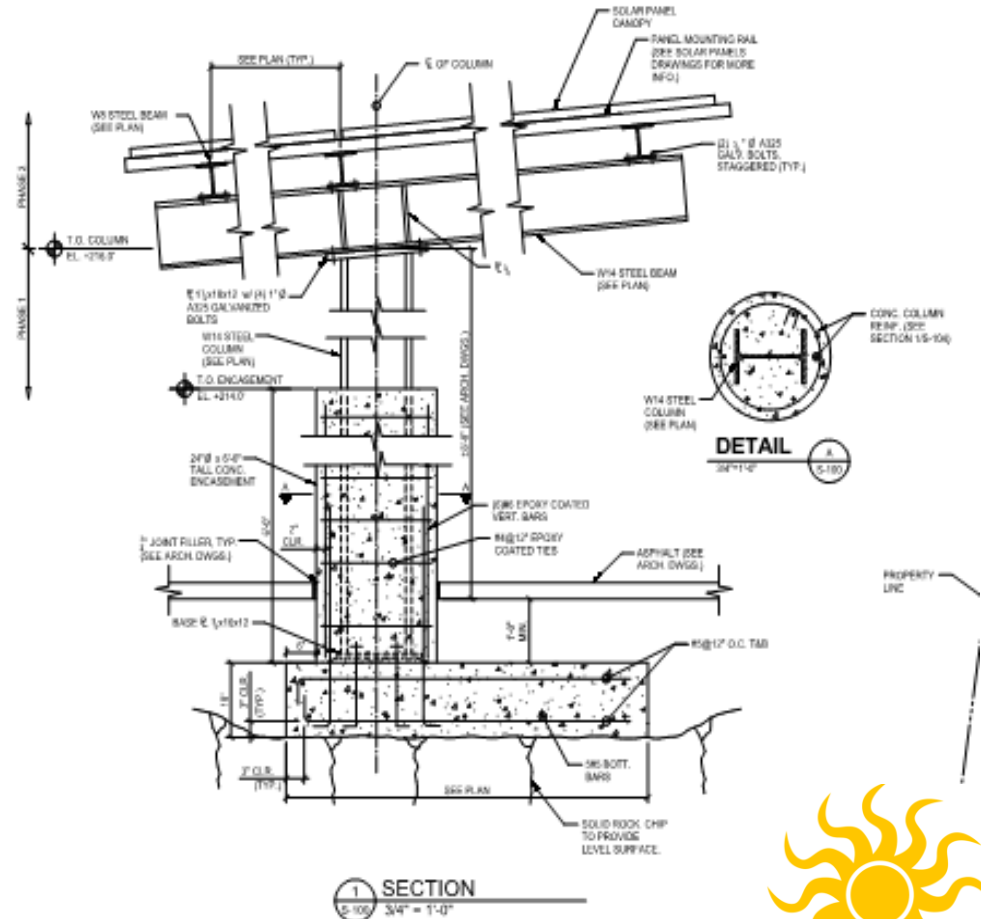
As per 1 RCNY 105-02 (e)(ii)(f):

- Currently, ballasted systems are prohibited for installations one hundred (100) feet or higher above grade.
- For rooftop installations less than one hundred (100) feet above grade and grade-level installations, ballast must be fully contained and must comply with requirements for aggregate in chapter 15 of the New York Building Code.

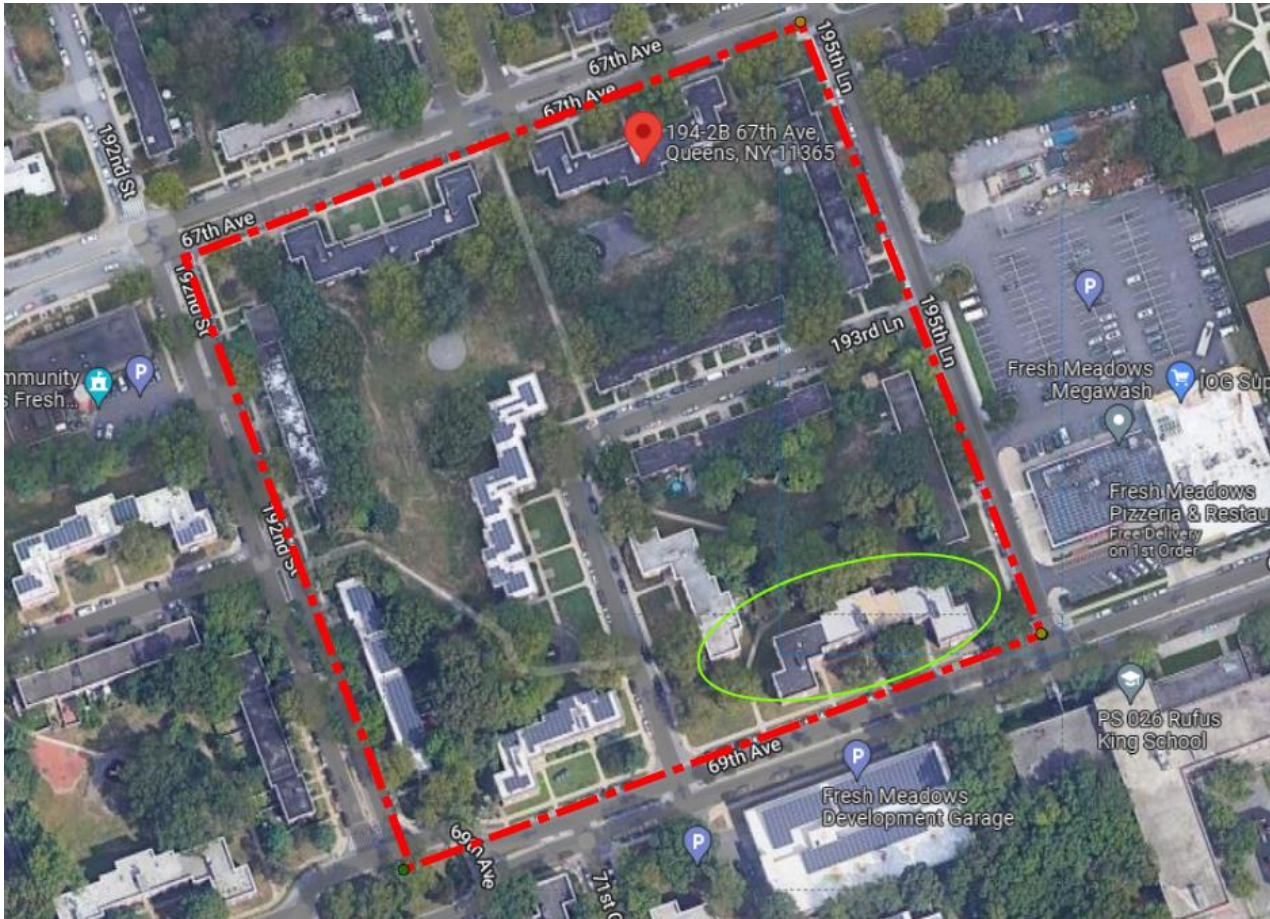


Carport Projects

- Projects are being filed for solar panels on top of both existing and new carports.
- If the installation is on the roof of an existing carport, only a Solar application must be filed.
- New carport structures must be filed as separate application(s) in DOB NOW and reviewed in the Boroughs for code/zoning compliance. The costs for the structure cannot count towards the PTA.
- File a separate PTA for the solar panels as per previous instructions. Carport structure application(s) to be approved prior to the solar application.



Cluster Projects



One tax lot with several buildings on the lot.

Each building consists of multiple/individual BIN's

Per DOF regulations, one PTA given per Lot. For multiple buildings, PTA can be divided amongst the BIN's.



Cont. Cluster Projects

- Projects that consists of one building/structure with multiple BIN'S # on a single tax lot.
- Projects that consist of 'clusters' of buildings/structures that each contain multiple BIN's.
- Per DOF – Only one PTA can be issued for any one tax lot. However, If there is more than one building on the tax lot, the PTA can be shared between the Buildings / BIN's.
- Applicant to coordinate with Con Edison location of main meter and building interconnection..



Specialized Projects



How to File PW1 Form For Cluster Projects:

- Application must be filed under the Building/BIN where the main meter is located.
- Provide the following wording in section 11 of the PW1.

PW1

PAGE 3

11 Job Description	11A Related DOB Job Numbers
See Section # 24 comments for full scope of addresses covered under this application	
	11B Primary application job no. <input data-bbox="1682 705 1868 721" type="text"/>

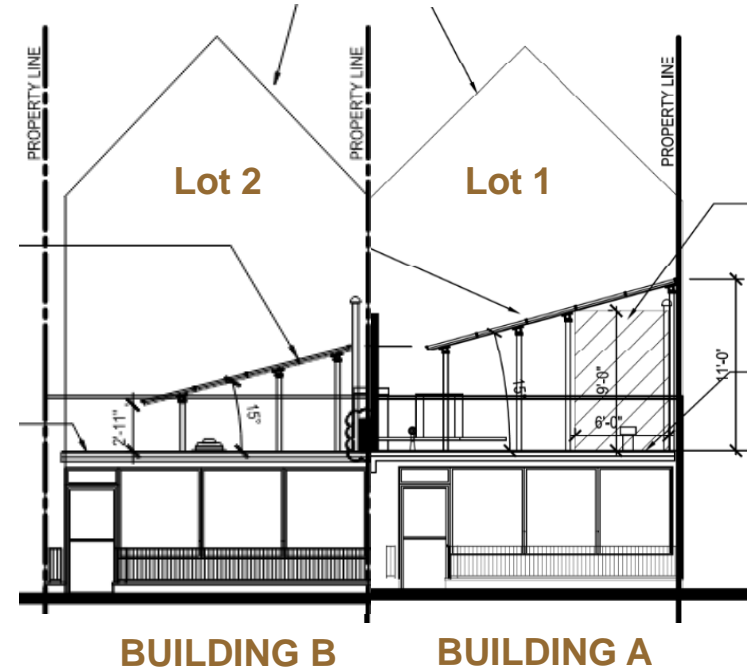
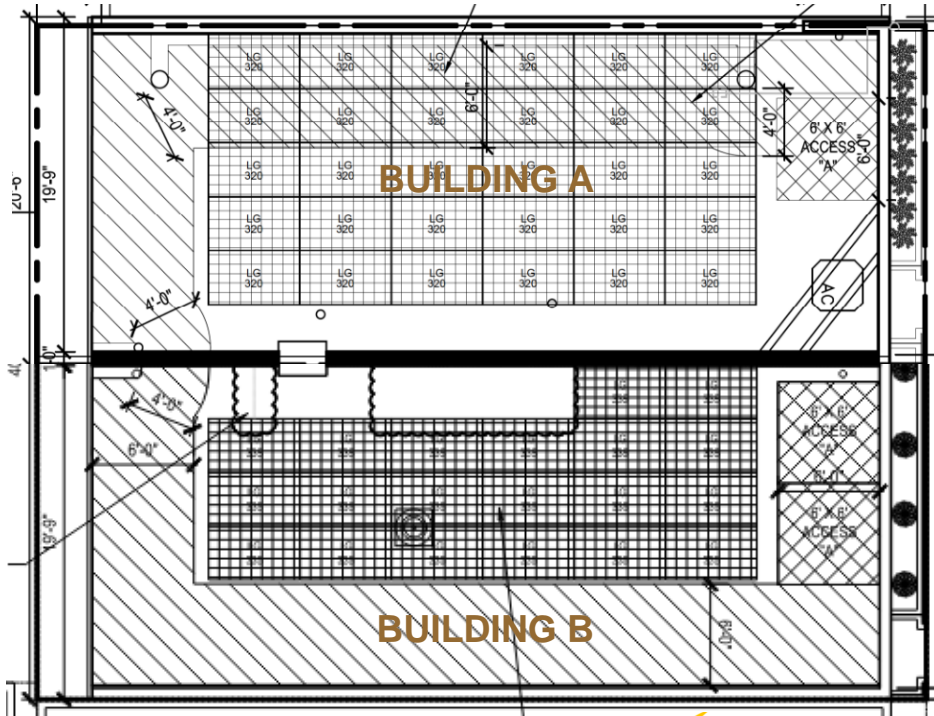
- Provide the following wording in section 24 of the PW1.

24 Comments <i>Place additional comments on an AI-1 form. See Guide for proper incorporation of professional certification statements.</i>
<p>Comments for Doc.1-The scope of this solar application, job No. 123456789 applies to multiple attached building listed below represented by single a owner:</p> <p>123 Broadway, Queens -BIN 12345 124 Broadway, Queens -BIN 12356 125 Broadway, Queens -BIN 12367 126 Broadway, Queens -BIN 12379</p>

- Per the DEP, one (1) Asbestos Report is required under main BIN. Additional BIN's to be listed

Specialized Projects

Projects that use adjacent building for solar installation.



Building to receive
tax abatement.

Projects that use adjacent building for solar installation.

- Two buildings / two lots. Solar panels are being installed on both buildings to create one system. However, only one building's is going to receive the solar energy and the tax abatement.

Building A on Lot 1 has solar panels constructed on its roof and feed into the building's main meter. Building A is going to receive the solar energy and the tax abatement.

Building B on Lot 2 has solar panels constructed on its roof that are tied into the system feeding Building A. Building B will not receive solar power generated by these panels nor receive tax abatement.

Let's look at the scenario and discuss how to file.



Projects that use adjacent building for solar installation.



- **Applicant to file two (2) applications as follow:**

Application for **Building A** is to be filed as a **Solar – Tax** application as it is the building where the solar energy system is being tied to the building's meter and is going to receive both the energy and the tax abatement. Applicant to follow all the requirements for a solar tax application as outlined in the beginning sections of this presentation. On PW1 - Reference Building B application number in Section 11.

NOTE: The PW3 and PTA4 should include the costs of the **ENTIRE** system on both Building A and Building B.

Application for **Building B** is to be filed as a **Solar** (non-PTA) application as there is construction work being provided, but no tax abatement being pursued. Applicant to follow all the requirements for a solar non-tax abatement application as outlined in the beginning sections of this presentation. Reference Building A application number in Section 11 and provide the following note:

Installation of Solar Energy System on Roof. No change of Use, Egress or Occupancy. Work is being paid for under Job #XXXXXXXXX (App # for Building A)



Projects that use adjacent building for solar installation.

The PW3 for Building B can be \$1.00.

If the buildings are owned by the same owner, a Restrictive Declaration must be filed between the buildings. If the buildings are owned by separate owners, an Easement must be filed between the buildings.

Per FDNY regulations, each building must have a dedicated fire access landing and path per FC 504.4.



THANK YOU!



Please email your questions to the Department at:

greenroofandsolar@buildings.nyc.gov

