

# Blue Sky Estates Association, Inc. Solar Panel Policy

1. **Purpose:** The purpose of this policy is to establish guidelines and procedures for the installation, maintenance, and operation of solar power systems within the Blue Sky Estate Association, Inc. community, in alignment with New York State regulations, to promote sustainability while preserving the aesthetic appeal, safety, and property values of the neighborhood.
2. **Scope:** This policy applies to all homeowners and residents within the Blue Sky Estate Association, Inc. (“HOA”) intending to install a solar power system<sup>1</sup> on their properties.
3. **Approval Process:**
  - a. Homeowners or Association Members seeking to install solar panels must submit a written application to the Board of Governor’s (“Board”) of the HOA. The application must include:
    - i. Detailed plans and specifications of the proposed solar power system, including the type, location, capacity, and size of panels.
    - ii. Information on the proposed location of panels, including roof diagrams.
    - iii. Proposed installation method and structural engineering certification.
    - iv. A statement of compliance with all relevant building codes and regulations.
    - v. A statement of aesthetic impact, including color, design, and visibility.
  - b. The Board will review the application within 90 days and may request additional information or modifications as necessary.
  - c. The Board will approve or deny the application based on compliance with the safety standards, any applicable regulations, and HOA guidelines. Approval shall not be unreasonably withheld, and any denial will include a detailed description of the exact basis for denial in writing with specific examples of the HOA’s concerns, if applicable.
4. **Design and Installation Standards:**
  - a. Solar panels must be installed by qualified professionals in accordance with all applicable building codes and regulations using industry-standard mounting equipment and techniques.
  - b. Panels should be installed on the rear roof slope whenever feasible to minimize visual impact and maintain neighborhood aesthetics.
  - c. Ground-mounted solar power systems are not permitted consistent with N.Y. Real Prop. Law § 342.
5. **Maintenance and Repair:**
  - a. Homeowners or Association Members are responsible for the routine and ongoing maintenance and repair of their solar power systems to ensure safe and efficient operation and proper functioning of their system at all times.
  - b. Any modifications or repairs that alter the originally approved plan, or the appearance of the solar panels or affect structural integrity of the solar panels or underlying structure must receive prior approval from the Board.

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<sup>1</sup> N.Y. Real Prop. Law § 342, Sec. 1(b) defines a “solar power system” to mean “a photovoltaic system, comprising of solar electric generating equipment, installed on a rooftop, with a rated capacity of not more than twenty-five kilowatts.” The Board notes that, so long as the solar power system fits on an existing roof, the HOA is not restricting the maximum rated capacity for a solar power system so long as it is safe and meets all other applicable codes and regulations.

**6. Removal and Decommissioning:**

- a. If a Homeowner or Association Member wishes to remove or decommission their solar power system, they must first notify the HOA in writing.
  - b. Removal must be done by qualified professionals in accordance with all applicable regulations and safety standards at the Homeowner's or Association Member's expense.
  - c. Upon removal, Homeowners or Association Members must restore the property to its original condition at their own expense.
  - d. If a solar power system becomes non-operational or poses a safety hazard, the Homeowner or Association Member must take prompt action to repair or remove the system.
- 7. Compliance:** Failure to comply with this policy may result in enforcement actions by the HOA, including fines, corrective measures, or legal action, as deemed appropriate by the HOA's Board. The HOA reserves the right to inspect solar power systems for compliance with this policy and will give notice before inspecting.
- 8. Dispute Resolution:** Any disputes arising from the interpretation or enforcement of this policy shall be resolved through the HOA's dispute resolution procedures.
- 9. Amendments:** This policy may be amended by a majority vote of the HOA's Board.
- 10. Contact Information:** For inquiries or assistance regarding this policy, Homeowners or Association Members may contact the HOA's Board.