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Commissioner

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Memo

To: Brooklyn Industry Professionals
From: DOB Sustainability Unit
CC:
Date: 11/12/2020
Re: Local Law 92/94-2019 Questions and Answers

Local Law 92/94 Questions and Answers:

1. If adding a small addition does only the NEW roof portion fall under LL 92/94 or the entire roof?

Yes, only the new portion of roof must comply.

2. Accessory to a 1+2 family dwelling does a detached garage trigger LL92/94?

Yes, any new roof must comply, even if it is on a detached garage.

3. Is there a template for the “shading report” that we are to use or provide to the department to justify solar/green will not work?

There is no report template, and the Department will accept reports from the various software options that are available.

4. Do we provide a specific AI1 in response to plan examiner comment “comply with LL92/94” say the roof isn’t sloped properly or meets any of the other objections that exempt us from the requirement or will notes on the plan pages suffice for plan exam?

Objections should be resolved based on the filing status. See Buildings Bulletin 2019-010.

5. Per LL92/94 form “sustainable roof zone is subject to inspection prior to issuance. Who is doing the inspection, is there a new TR1

form?

This is not a new progress inspection on the TR1 form. Department inspectors may inspect the sustainable roof zone at the time of other inspections.

6. **Per LL92/94 form, what is the difference in section 3 from box 2 to box 3, just difference in reason for exemption?**

Box 2 denotes that the Registered Design Professional is certifying that the project cannot comply due to project constraints- the sustainable roof zone cannot support a PV system with a capacity of 4kW due to poor orientation, size constraints (oddly shaped areas), or shading. Box 3 denotes that some other technical issue cannot be overcome, such as an existing structural system cannot support the added weight of either a green roof or a solar PV system.

7. **If a NB has one side of the roof that is favorable to solar panels and 1 side that is shaded, do we just provide the system on the 1 side?**

Yes.

8. **Will we be forced to design roofs in order to suit or make it possible for an installation to work?**

No. Design features such as massing and orientation of a roof are not required to be modified to suit the requirements of LL92/94.

9. **Is there a rule regarding who gets the power from a solar installation on a 2 family dwelling, assuming side by side or top/bottom 2 family, does the department dictate who's meter the power runs through?**

No, who gets the power is a private matter.

10. **Is there a rule regarding who gets the power from a solar installation in ALL new buildings (ie, does the department dictate who's meter the power runs through?)**

No.

11. **Is there an industry standard for Power Generation for panels we are using, 330 watt panels, or 240's or some other to dictate how to perform the calculation to get to 4kV?**

No, the law does not dictate the type of panels to be installed.

12. **Regarding Green Roofs, are there rules that the Department has formulated or FDNY has promulgated like the Solar panel locations (3' from ridge, 18" from hips and valleys, etc)**

No, the Department has not formulated any such rules.

13. Is there a maintenance requirement for green roof installation?

To meet the intent of the law, green roofs must be maintained so that the plants do not die.

14. Is there a progress inspection that will be added to the TR for green roofs?

Not at this time.

15. Is there a species requirement for green roofs?

There are no species requirements from the Department; these are dependent upon the design.

16. Not to be cute but what happens in 20 years when the solar panels die, is there a requirement to replace them or is this a 1 time deal with regard to LL92/94, so every time a panel dies I am legally required to replace it, regardless of cost.

The law requires a functioning system to be maintained. If a panel fails or is beyond its useful life, it must be repaired or replaced.

17. We are required to plan street trees, so in 20 years the trees grow and shade my entire building, like in many parts of Brooklyn/Staten Island, do we re-evaluate the LL92/94 sheet to be exempt from Solar?

If the system later becomes shaded, the roof would be exempt from future replacement of the panels, but may be subject to green roof requirements depending on the specific site conditions.

18. Can an obstruction be constructed to block the available sustainable roof zone? Say adding a pop top addition to only 1/2 of the building that will shade the other 1/2 of the roof and cannot reach the 4kV threshold from one roof to the other.

Yes, future construction, or even a portion of a new building, may obstruct a sustainable roof zone.

19. For enlargement of existing buildings, the added cost of LL92/94 can prompt whether filing under 1968 or New Code?

Costs associated with work triggered by LL 92/94 should be included when evaluating cost related triggers associated with the application for permit.

20. Roof area for stair and elevator bulkheads, excluded from calculation for required compliance?

These are allowed obstructions and can be excluded from the calculation of the sustainable roof zone.

21. Specifying Contractors' requirement for certification credentials, listing only three (NABCEP or IBEW-NECA or UL), seems to be limiting to open bidding of capital construction projects?

The Department is open to other equal credentials if you would like to recommend them.

22. Any special project conditions for possible exemptions, need to be accepted under CCD1 request?

Yes.

23. If areas for stormwater management is provided in cellar/basement, can these same areas be counted as excluded from calculation for green roof?

No.

24. Does existing solar panels on an existing roof meet the requirements for solar panels for a new roof of a new enlargement under LL92/94 of 2019?

No, the law did provide for a transfer of credit for an existing system to a new roof.

For example, if there is an existing building with 100,000 ft.² of roof area, on the existing roof there are 20,000 ft.² of solar panels and an enlargement is proposed with a new roof area of 10,000 ft.²; will the existing 20,000 ft.² of solar panels meet the requirements for the new roof of 10,000 ft.² under local law 92/94?

No, the law did not provide for a transfer of credit from one roof to another.