

**Town of North Salem
BOARD of APPEALS
Public Hearing
December 8, 2011
8 p.m., The Annex**

MEMBERS PRESENT: Cynthia McKean
William Monti
Brian Ivanhoe, Chairman

MEMBERS ABSENT: Richard O'Leary
James Murphy

OTHERS PRESENT: Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the December 8, 2011 Town of North Salem Zoning Board of Appeals meeting to order.

Chairman Ivanhoe announced that, as only 3 Members were present, a unanimous decision would be required for any application to be approved. Any parties who would rather have their applications heard by a full Board would have the right to postpone their appearance until the next Board meeting at no additional cost to them.

The Chairman set the next meeting for Thursday, January 12, 2011.

The minutes of the November 10, 2011 meeting were unanimously accepted.

PUBLIC HEARINGS

BA11-44 Yared Yawand-Wossen (563 Grant Road) – **Area Variance** – For installation of a generator and an underground LP storage tank, per Article V Section 250-15 and Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-2 bulk requirements). A side yard setback variance of 28 ft. (30 ft. required; 2 ft. proposed) and a rear yard setback variance of 25 ft. (50 ft. required; 25 ft. proposed) are requested.

Mr. Yawand-Wossen addressed the Board, stating that he has a non-conforming 2.39-acre lot with the house at the rear of the property, and both setback requirements and wetlands issues always require consideration. He said the ZBA has granted area variances for the property in the past, and now he wishes to have a generator in the back left corner of the lot. He explained that this is where the electrical service comes into the house, and he would prefer to avoid excess work to connect the generator to the electric panel.

Mr. Yawand-Wossen said the water-cooled generator he has chosen is the most silent one he can get, and he thinks it will be about 350 ft. from the house next door. The generator will produce low decibels of about 72 at a distance of 27 ft. Mr. Yawand-Wossen said he has spoken to his neighbor about the generator, and the neighbor is agreeable to the granting of the variance.

Chairman Ivanhoe said he had not been out to look at the site, although he is familiar with the property. He asked if there are any windows on the side of the house where Mr. Yawand-Wossen wants to install the generator.

Mr. Yawand-Wossen replied that there is a solid wall with no windows. He stated that the manufacturer requires a distance of 10 ft. from the building if there are windows. He added that the desired placement will leave enough room for the electrician to get around the generator in order to service it.

The Chairman noted that the LP storage tank is to be installed underground.

William Monti asked about the generator's maintenance schedule.

Mr. Yawand-Wossen said the generator will self-test once a month.

Cynthia McKean said it is more likely that the self-test will run weekly.

Chairman Ivanhoe said the Board generally asks that the test be run mid-day on a day during the week to avoid disturbance of others. He noted there were no further questions and closed the public hearing.

The Building Inspector said the sound from the generator will actually be 69 decibels at a distance of 7 meters or 23 ft. He also noted that the only house in the vicinity will be quite far from the generator.

Mr. Reilly read a draft resolution, including the condition that the self-test of the generator be conducted at mid-day, mid-week.

Motion by: *Cynthia McKean*
Seconded by: *William Monti*

Ms. McKean: *Aye*
Mr. Monti: *Aye*
Chairman: *Aye*

Area variance granted, as requested, with specific condition per discussion and agreement.

BA11-45 Catherine Lisi (2 Silo Ridge Road) – **Area Variance** – For installation of a generator and 2 above-ground LP storage tanks, per Article V Section 250-15. A rear yard setback variance of 89 ft. is requested (100 ft. required; 11 ft. proposed).

The Chairman asked why Ms. Lisi wants the generator where she has proposed to have it installed.

Ms. Lisi responded that there is already a propane tank present, which will be swapped out and replaced with 2 new tanks in the same place. She stated that the generator will be next to her porch and behind a trash receptacle near a part of the house with no windows. She added that there will be adequate room for servicing of the generator, but it will not be visible to others.

Ms. Lisi said the generator will self-test once a week, and she will also have a remote so the generator can be tested from indoors. She stated that she would be happy to schedule the test to run at mid-day during the week.

Chairman Ivanhoe noted that the generator Ms. Lisi has chosen is air-cooled, which is not as quiet as a liquid-cooled unit, but it still will not be very noisy.

Bruce Thompson stated that the unit is only a 20 kilowatt generator, and the specs indicate a decibel level of 66 versus the 69 of Mr. Yawand-Wossen's 50 kilowatt liquid-cooled generator.

Mr. Monti commented that the enclosure may have sound-suppression.

Mr. Thompson agreed, saying it makes a significant contribution to quieting the generator.

Ms. Lisi said she ordered the generator after the August hurricane, but her electrician was too busy to install it before the recent storm in October.

Noting there were no other questions or comments, the Chairman closed the public hearing.

Mr. Thompson said he wanted Ms. Lisi and the Board to know that he now makes it a practice to check the proposed location of all generators before issuing permits, and he has not been out to see about Ms. Lisi's yet. He stated that he has found that he occasionally disapproves of distances from windows approved by manufacturers. He explained that there have been instances of a generator's exhaust activating a carbon monoxide alarm. He said that the manufacturers' specs are correct 90% of the time, but he must see the circumstances for himself before the permit will be issued.

The Chairman said the Building Inspector's concern is for Ms. Lisi's safety, who replied that she understood.

Mr. Thompson further explained that he has had an issue with Generac brand generators recently, because NFPA Code states that generators may be placed no closer than 5 ft.

from combustible materials, but Generac has had their units tested and test results permit Generac to reduce the 5 ft. requirement down to 18 in.

Ms. Lisi said the generator will be 10 ft. from her house.

The Building Inspector asked if there is a window right above the generator site, and Ms. Lisi said there is a window above and to one side but not directly over the generator site.

Mr. Reilly read a draft resolution, noting that the area variance will be subject to a safety inspection by the Building Inspector.

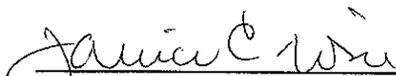
Motion by: **William Monti**
Seconded by: **Cynthia McKean**

Ms. McKean: **Aye**
Mr. Monti: **Aye**
Chairman: **Aye**

Area variance granted, as requested, with specific condition per discussion and agreement.

The Chairman closed the meeting at approximately 8:30 pm.

Respectfully submitted,



Janice Will, Recording Secretary