

Village of Croton-on-Hudson  
Zoning Board of Appeals Meeting of  
January 13, 2016

PRESENT: Rhoda Stephens, Chair  
Peter Lavery  
Alan Macdonald  
Doug Olcott  
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector  
Trustee Ann Gallelli, Village Board Liaison

**1. CALL TO ORDER:**

The Zoning Board of Appeals Meeting of January 13, 2016 was called to order at 8:02 P.M.

Chairman Stephens began the meeting by thanking Village Board Liaison, Trustee Gallelli, for her attendance at tonight's meeting.

**2. NEW BUSINESS:**

- a) **Maratea, Anthony - 100 Truesdale Drive.** Located in a RA-25 District and designated on the Tax Maps of the Village as Section 79.10 Block 1 Lot 9. Request for variance to install a backup generator less than 5 feet from the side property line.

Mr. Maratea, owner of the property, presented the application. He said that he has planned to install the backup generator for a good eight years, ever since he moved into the residence, and is finally getting around to it. He said that when the house burned down and was rebuilt, the hookup for the generator at the side of the garage was installed. When the time came to actually install the generator and determine the placement of the generator, he realized he had a dilemma. If he placed the generator on the concrete pad that a contractor had poured for the generator, he would need to sheet rock the garage windows to comply with the code that requires that the generator be placed at least 5 feet from openings in walls and structures having combustible walls. If he were to place the generator the required 5 feet from the property line, he would be obstructing his and his adjoining neighbor's view of the river as well as being almost in the middle of his lawn. After much thought, he feels the proposed installation site is the best location for the generator.

He is asking for a 3.5-foot variance to allow the generator to be placed 1.5 feet from the side property line. He continued to say that he didn't think his proposal would impact the neighborhood. He said he will try to make it as unnoticeable as possible and has purchased a more expensive water-cooling low rpm propane generator to make it as

unobtrusive and silent as possible. He said he informed the adjoining neighbor who would be impacted the most and the neighbor had no objections. He added that he needed (and has already done so) to dig a trench to accommodate the lines that would allow the generator to function.

Mr. Olcott asked for clarification, using the photos provided, of the proposed installation site. Mr. Maratea did so and added that the generator would be lower in height than the fence and that he would also be placing shrubbery at the site.

Chairman Stephens asked if the fence shown in the photos belongs to the Applicant and the Applicant confirmed that it was his fence.

Ms. Wagner asked if the adjoining neighbor had heard the generator but Mr. Maratea explained that he could not because the generator has not been hooked up yet.

Mr. Olcott asked about the concrete pad originally poured for the generator that was shown in the photos and Mr. Maratea said the contractor had made a mistake to place it there. Mr. Sperber reaffirmed that the generator would need to be placed a required distance from the structure if there are windows that open and in response to Chairman Stephens question, Mr. Maratea said that he would be getting a new concrete pad.

Mr. Lavery asked if the generator had an automatic cycling feature. The Applicant replied that he believes it cycles on for 3 to 4 minutes on a weekly basis but that it could be programmed differently and that the weekly cycling keeps the generator lubricated.

Chairman Stephens asked if the generator would only be used for emergencies and this was confirmed by the Applicant who added that there is a sensor that turns the generator on when power is lost.

Chairman Stephens then wanted it noted that the documentation included a letter to Mr. Sperber from the neighbor at 102 Truesdale Drive indicating no objection to the application.

Mr. Maratea felt it necessary to explain that he wanted to install the generator because he has experienced a few prolonged outages in the past.

In response to Mr. Macdonald's question about how the generator was fueled, Mr. Maratea said it would be by propane and that there already is an underground propane tank on the property.

Ms. Wagner asked if the Applicant had considered any other locations for the generator. In response, Mr. Maratea said that he could possibly put the generator in the middle of the lawn area but that would obscure the river view. He said he selected the least obtrusive location while maintaining the view. He added that one would not be able to see the generator driving past the house.

With no more questions from the Board, Chairman Stephens opened the hearing to the public. No one was present to speak so the hearing was then closed. Chairman Stephens asked the Board for its thoughts. Mr. Macdonald had concerns about the noise level for the adjoining neighbor and said that with some maneuvering the generator could probably be tested. He believed that the weekly cycling on lasts from 10 to 15 minutes. Ms. Wagner also had concerns about the noise level for the neighbor. Mr. Maratea countered with the fact that he had purchased a much quieter, more expensive generator for just that reason. It would also have a longer life span.

Mr. Lavery asked if soundproofing enclosures exist and Mr. Maratea replied that he was doubtful but the generator would need some sort of venting.

Chairman Stephens remarked that there was the letter from the neighbor who had no objection.

Mr. Olcott said that moving the generator 3.5 feet to adhere to the setback requirement would not mitigate the sound level but would obscure the view; so the noise would still exist and the view would be “messed up”.

Mr. Lavery added that he wasn't that concerned about the sound level of the proposed generator's 1800 rpms, which is not a lot of noise and equates to a 4-cylinder small car.

A motion was then made by Mr. Olcott to grant a 3.5-foot variance to install a water-cooled, propane backup generator less than the required 5 feet from the side property line. The motion was seconded by Mr. Lavery and the motion passed with a vote of 3 to 2. Chairman Stephens, Mr. Lavery, and Mr. Olcott voted in favor while Mr. Macdonald and Ms. Wagner were opposed.

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At Chairman Stephens' request, this was followed by an update from Trustee Gallelli, as to the status of the Boulos and Franzoso Piney Point Avenue applications.

### **3. APPROVAL OF MINUTES:**

Ms. Wagner made a motion to approve the amended minutes and resolutions of the December 9, 2015 Zoning Board of Appeals meeting. The motion was seconded by Mr. Macdonald. The motion passed 4 – 0 in favor; Mr. Olcott abstained from voting having been absent from last month's meeting.

### **4. ADJOURNMENT:**

The meeting was adjourned at 8:53 P.M.

Respectfully submitted,

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Toni Cruz  
Secretary, Zoning Board of Appeals