

## Summary of Principal Recommendations

1. Generators should be regulated the same as air conditioning units except to the extent necessary to address material differences between the two types of equipment.
2. A resident-friendly and two track approval process for permanent standby generators should be enacted.

There should be an expedited or short form approval process for “plain vanilla” installations. An installation would be eligible if:

- (i) the decibel rating in the manufacturer’s published specifications for the generator at 7 meters, or 23 feet, in exercise mode is less than 70 decibels,
- (ii) the generator is an “off the shelf” model, manufactured by a nationally recognized manufacturer of permanent emergency standby generators, and the manufacturer’s casing, baffling and other sound attenuation materials are not modified in a manner reasonably expected to increase its noise level,
- (iii) the generator is located in the rear, side or front yard, as close as practical to the property owner’s residence consistent with the manufacturer’s published specifications for ventilation, and in compliance with applicable New York State code and any screening requirements that may be imposed,
- (iv) the top of the generator’s pad is at or above the base flood elevation, and
- (v) the generator’s fuel is liquid propane or natural gas supplied by a utility company without a tank or other storage on the property.

If an installation meets the criteria for expedited approval, a permit would be issued if a duly licensed electrician and a duly licensed plumber certify that the electrical and plumbing work comply with the Village Code. In addition, for a front yard installation, a duly licensed electrician, plumber or contractor should have to certify that installation in another location would result in undue expense or another element of hardship specified in our report.

The Building Inspector would have the right to inspect any installation, but such inspection would not be a pre-condition to the issuance of a permit under expedited approval. Of course, if an installation is subsequently inspected and found to be deficient, either the deficiencies would be corrected or the permit would be revoked.

The second track would be for all other situations not meeting the requirements for expedited approval, including an underground or indoor installation. The dB(A) measurement methodology for the second track would be different than under expedited approval.

Setting the measurement point at the property line is a neat, but artificial delineation. If the purpose of the noise limitation is to limit the noise that affects the neighbor, a truer measure of noise that affects the neighbor would be measurement at the neighbor's house. After all, adjacent neighbors do not likely spend much time standing on their property line complaining about air conditioning unit noise. From a regulatory perspective, however, we appreciate that there are benefits in making the distance easily calculable, without actually involving or seeming to involve a neighbor. Perhaps that is why Larchmont has set its measurement point in section 195 of its code at the seemingly arbitrary distance of 60 feet. As a surrogate for the distance to the adjacent house, to simplify the process, we recommend the measurement distance for installations not qualifying for expedited approval being two times the homeowner's actual setback less the distance from the generator to the homeowner's house. This would also be consistent with the current ability to have an air conditioning unit in the side yard, and

the current permitted measurement under Section 205-3 of the Village Code – which is measured “*not nearer than* the property line.”

3. Permanent standby generators should only be required under the generator law to comply with a noise limit upon installation; no requirement of re-certification and no required involvement of an acoustical engineer. After installation, excessive noise is covered by the general noise ordinance.

4. The current limitations on the permissible location of permanent standby generators in the rear, side and front yards should be modified to permit more flexible placement, whether for expedited approval or otherwise. Certain locations, such as in a house or underground or in the front yard, should be subject to additional requirements as described in our report to address any safety, aesthetic or other concerns unique to their location.

5. The general noise ordinance, section 205-3 of the Village Code, should be amended to increase the noise limit for excessive noise to a level above the noise levels of typical air conditioning units and permanent standby generators – at least 70 decibels. Please see Appendix A to our report with some sample decibel ratings of generators and air conditioners.

6. The general noise ordinance should be amended to provide that it is suspended during power outages and other emergency situations.

7. The days and time of operation of permanent standby generators in exercise mode should be regulated consistent with the regulation of outdoor power tools in Section 205-2 of the Village Code, except that to facilitate programming, permanent standby generators should be able to exercise on holidays.

8. Portable generators should not be regulated the same as permanent standby generators. However, a portable generator connected to a fixed fuel supply or a transfer switch should have such connections regulated.

9. Existing installations of permanent standby generators that do not comply with current law should be given amnesty provided they comply with the new generator law.