

LOCAL LAW NO. 2001-1
OF THE TOWN OF FENNER

A LOCAL LAW TO AMEND
THE TOWN OF FENNER
LAND USE LOCAL LAW NO. 1997-1

Section I.

Section 201, subsection "C", of Local Law 1997-1, as previously amended, is hereby amended to read as follows:

C. DISTRICT C. (SECTION 303)

District C shall consist of all the lands within the following tax map parcels, exclusive of any lands within the "A" zone as defined in subsection "A" of this Section 201, as said parcels are configured as of the date of adoption of this local law.

Tax Map Numbers:

Owners:

| | |
|----------------|----------------------------------|
| 78.-1-38.1 | Lloyd and Susan Lovely |
| 78.-1-37.1 | Robert Toole & William Larkin |
| 78.-1-37.2 | Philip H. Gott, Jr. |
| 78.-1-29 | Town of Fenner |
| 78.-1-28.1 | Town of Fenner |
| 78.-1-28.2 | Richard K. Foringer |
| 78.-1-28.3 | Richard K. Foringer |
| 78.-1-28.23 | Anthony Seitz |
| 78.-1-28.22 | Charles Seager |
| 78.-1-28.21 | Robert Butler |
| 78-1-27 | Kenneth Wilkinson |
| 69.-1-16 | Beryl Pratt |
| 69.-1-36 | Harold Geiger |
| 69.-1-36.1 | Harold Geiger, Jr. |
| 69.-1-37 | Robert Toole & William Larkin |
| 69.-1-41 | Alice Ross |
| 69.-1-42 | Joseph Balenski |
| 70.-1-1 | Russell Stone |
| 70.-1-3 | Russell Stone |
| 70.-1-21 | Russell Stone |
| 70.-1-22 | Scott & Donna Griffin |
| 70.-1-23.11 | Scott & Donna Griffin |
| 70.-1-23.12 | Scott & Donna Griffin |
| 70.-1-27 | Russell Stone |
| 69.00-1-35 | Braun (east of Nelson Road only) |
| 69.00-1-40.11 | Toole |
| 70.00-1-24.22 | Jacek |
| 70.00-1-24.211 | Kutzuba |
| 70.00-1-24.212 | Kutzuba |
| 70.00-1-26.1 | Griffin |
| 70.00-1-33 | Mugglin |
| 70.00-1-34.5 | Griffin |
| 70.00-1-34.6 | Jones |
| 70.00-1-35.2 | Roberts |
| 70.00-1-47.1 | Parker |
| 79.00-1-1 | Cole |
| 79.00-1-1.2 | Cole |
| 79.00-1-1.3 | Cole |
| 79.00-1-1-2 | Cole |
| 79.00-1-12.1 | Roberts |
| 79.00-1-17 | Brown |
| 79.00-1-18.11 | Brown |

Section II.

The “Land Use Map” referred to in Section 202 of Local Law 1997-1 and attached to Local Law 1997-1 as “Appendix B” is hereby amended to designate the lands described in Section I of the local law as within “District C”.

Section III

The “Land Use Schedule” referred to in Section 203 of Local Law 1997-1 and included in Local Law 1997-1 as “Table 1” and the “Notes for Table 1” are hereby amended by amending note “h” of said “Notes for Table 1” to read as follows:

- h. The minimum setback distance between each production line commercial wind power electricity generation unit (wind turbine tower) and: all surrounding property lines, overhead utility line, any dwelling, and any other generation units, above-ground transmission facilities, and separate meteorological facilities, shall be equal to no less than 1.5 times the proposed structure height plus the rotor radius. The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply: the property line in questions a) separates two properties that are both in the “C” District, and b) either , i) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or ii) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area is appropriately restricted.

No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure and determination by the Planning Board of appropriate setback distances on the basis of that documentation.

Section IV.

This local law shall take effect immediately upon filing with the Secretary of State.