

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 at 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.