

TOWN OF HORSEHEADS

150 Wygant Rd., Horseheads, NY 14845
Tel no. 607-739-8783 Fax no. 607-739-0469



ZONING: SECTION 239 REVIEW SUBMISSION

Submission Date: 01/11/2024

- Submitted to: Chemung County Planning Board, 400 E. Church St., Elmira, NY 14901
- Village of Horseheads, 202 S. Main St., Horseheads, NY 14845
- Village of Elmira Heights, 215 Elmwood Ave., Elmira Heights, NY 14903
- Town of Big Flats, 476 Maple St., Big Flats, NY 14814
- Town of Catlin, 1448 Chambers Rd., Beaver Dams, NY 14812
- Town of Veteran, 4046 Watkins Rd., Millport, NY 14864
- Town of Erin, 1138 Breesport Rd., Erin, NY 14838
- Town of Elmira, 1255 W. Water St., Elmira, NY 14905
- Other

Project Name: The Town of Horseheads

Project Sponsor/Applicant: The Town of Horseheads

Project Sponsor/Applicant Mailing Address: 150 Wygant Rd, Horseheads, NY 14845

Project Location: Town of Horseheads

Tax Map Number(s):

Municipality Zoning District:

Brief Project Description: Please see attached proposed changes to the Town of Horseheads Code, Chapter 204, Article II Terminology - §204-4 Definitions

Pursuant to § 239-l, -m and -n of the General Municipal Law, enclosed for your review and recommendation is the application for (check all applicable):

- Site Plan Review
- Area Variance
- Use Variance
- Special Use Permit
- Planned Development
- Rezoning (Map Adoption or Amendment)
- Zoning Text Change (Ordinance or Local Law Adoption or Amendment)
- Comprehensive Plan Adoption or Amendment
- Subdivision Review
- Other [describe] Click here to enter text.

The application qualifies for review because the project tax map parcel is located within **five hundred [500] feet** of the following (check all applicable):

- Municipal[village, town) Boundary*
- State/County Road
- State/County Park or Other Recreation Area
- State/County Drainageway/Watercourse
- State/County-owned land on which a public building or institution is located
- Farm located in Agricultural District

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The following public hearings and/or meetings were scheduled by the following board(s) (check all applicable):

	Public Hearing Date/Time	Meeting Date/Time
<input checked="" type="checkbox"/> Town Board	02/14/2024 7PM	01/10/2024 7PM
<input type="checkbox"/> Zoning Board of Appeals		
<input checked="" type="checkbox"/> Planning Board		01/03/2024 7PM
<input type="checkbox"/> Other		

*Pursuant to General Municipal Law § 239-nn, the legislative body or reviewing board of a municipality shall give notice of a public hearing for a proposed *Special Use Permit, Use Variance, Site Plan Review* or *Subdivision Review* to the Clerk of an adjacent municipality **at least ten [10] days prior** to the public hearing when the subject property is located within **five hundred [500] feet** of the adjacent municipality.

Notice of public hearing has been given to the Adjacent Municipality(s) on [Click here to enter a date..](#)

Application submitted by: Tina McGrane, Deputy Town Clerk & Planning Board Secretary– January 11, 2024

At this portion of the meeting, Attorney Mustico discussed his recommendations for amendment to the setbacks in the Zoning Ordinance Code, §204-4 Definitions

RESOLUTION # 4 OF 2024

RESOLUTION TO MAKE A POSITIVE RECOMMENDATION TO THE HORSEHEADS TOWN BOARD, FOR APPROVAL OF AN AMENDMENT TO SETBACKS IN THE TOWN OF HORSEHEADS ZONING ORDINANCE CODE, §204-4 DEFINITIONS

Motion by: Board Member Matt Mustico Seconded by: Board Member Ken Nicastro

WHEREAS, Attorney Mustico initiated the proposal concerning setbacks, and

WHEREAS, setbacks are not currently defined in the Town of Horseheads Zoning Ordinance, therefore, they will be added to §204-4 Definitions, and

WHEREAS, the Town Planning Board, having duly considered the same, and

NOW, THEREFORE, BE IT RESOLVED, the Town Planning Board of the Town of Horseheads, makes a Positive Recommendation to the Town Board of the Town of Horseheads, for an amendment to setbacks in the Town of Horseheads Zoning Ordinance Code

OTHER BUSINESS:

- A. Overlay Zones for Lake Road & Grand Central Avenue
- B. Discussion of Eliminating first 250 ft. Residence A on Roads in the Town

As there was no further business to come before the Board, a motion to adjourn was made by Board Member Allan Curren and Seconded by Amy Crandall at 7:40 PM. All were in favor.

Respectfully submitted,

Tina M. McGrane, Secretary – Town of Horseheads Planning Board

Recommendation for Amendment to Setback in §204-4 Definitions

SETBACK

A space unoccupied by buildings, principal or accessory, except where intrusions are permitted by this Code.

SETBACK, FRONT

Space abutting a street right-of-way, access easement or private road, or a road by use either from which lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right of way extending the full width of the lot.

When width of right-of-way is known, measurement shall be from edge of right-of-way; when the width of the right-of-way is unknown, as in the case of a road by use, measurement shall be from the road center line, assuming a 50 feet width for the right-of-way and the additional the additional required front setback for the district shall be added to the requirements for computation of the front setback from road by use. (EG: Residence A zone front setback shall be computed by determining 25 feet from centerline and adding the 40 foot required setback for a total of 65 feet from the centerline of the road by use.

SETBACK, REAR

Space abutting property line and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot. If more than one rear setback is described, that setback being the farthest from the front setback is the required rear setback. All others will be treated as side setbacks. If more than one front setback exists, the Code Enforcement Officer shall establish the rear setback.

SETBACK, SIDE

Space abutting a property line, access easement or private road, or a road by use and generally between the required front and rear setback. Any setback not defined as a front or rear setback is a side setback.