

Table 2-3 Village of Horseheads Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Zoning</i> §245-107 (p.59) Landscaping</p>	<p>Any approved unenclosed use may be required to be landscaped in accordance with this subsection, and shall provide a fence, screen or landscaping sufficient to obscure such use from view from abutting properties lying in residential districts or from a public right-of-way. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to the issuance of a building permit. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or deceased landscaping shall be considered a violation.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>NYSEG’s M&R station will set back from public right of ways and partially shielded from view by the adjacent Dominion M&R station. Any obligation to obscure the M&R station, including its approximately 25-foot heater vent stack, from view from abutting properties would affect security of the station. These landscaping requirements would therefore be unreasonably restrictive and add costs to the project. The costs to consumers would outweigh any benefit of applying such provision. For these reasons, NYSEG requests a waiver from the landscaping regulations.</p>