

Chapter 95. DRIVEWAYS

[HISTORY: Adopted by the Town Board of the Town of Horseheads 9-14-1966; amended in its entirety 3-14-2007 by Res. No. 74-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 175.

Zoning — See Ch. 204.

§ 95-1. Permit required.

No person, firm or corporation shall, after the effective date of this chapter, cut, construct or locate any driveway entrance or exit into a highway of the Town of Horseheads without having first received a permit to do so from the Superintendent of Highways of said Town.

§ 95-2. Application.

Any person, firm or corporation desiring to make, construct or locate a driveway entrance or exit into a Town highway of the Town of Horseheads shall make an application for a permit to do so to the Highway Superintendent of said Town. In addition to the general standard driveway entrance and exit crossing requirements set forth herein below, the Highway Superintendent of the Town of Horseheads may impose any special requirements which the particular situation at the location where such driveway is sought to be located requires in his or her judgment under the circumstances.

§ 95-3. Entrance and exit crossing requirements.

The standard driveway entrance and exit crossing requirements shall be as follows:

- A. The applicant shall furnish all materials and bear all costs of construction within the Town highway right-of-way and pay the cost of all work done and materials furnished as required to meet the conditions of any permit issued by the Town Highway Superintendent.
- B. No alteration or addition shall be made to any driveway heretofore or hereafter constructed nor shall any such driveway be relocated without first securing a new permit from the Town Highway Superintendent.
- C. No more than two driveways to a single commercial establishment entering on one highway shall be permitted.
- D. The maximum width for a single combined entrance or exit shall be not more than 50 feet for commercial use and not more than 20 feet for residential use. The maximum width for each driveway for commercial use when two or more are permitted shall not be more than 35 feet. For residential use, the Town Highway Superintendent may, in his or her sole discretion, allow two driveways, and, when two are permitted, the maximum width of each driveway shall be not more than 15 feet.
- E. The angle of the driveway with respect to the pavement shall not be less than 45°.
- F. No driveway will be permitted within 25 feet of any public highway intersection.
- G. No driveway will be permitted where sight distance is less than 350 feet in each direction.
- H. A fully dimensioned plan of the proposed driveway shall be attached to each application for a permit required hereunder.
- I. Any culvert pipe required to be installed at such driveway entrance or exit shall be of polyethylene smooth interior pipe or other construction pipe as may be approved by the Town Highway Superintendent, no smaller than 12 inches in diameter and no shorter than 20 feet in length.
- J. The requirements of this section may be waived by the Town Highway Superintendent in the event that, in his or her judgment, their application would be unreasonable, unnecessary or impractical. Application shall submit justification for such waiver in written form for approval by the Town Highway Superintendent and the Code Enforcement Officer.
- K. Driveways that originate on the uphill side of a roadway shall be graded in such a manner as to provide a one-percent reverse grade so that all stormwater drainage created as a result of constructing a driveway shall be directed in such a manner as to not drain directly onto the Town road. This type of cut and subsequent drainage patterns shall be shown on the application, map or plan.

§ 95-4. Penalties for offenses.

Any person, firm or corporation who violates the provisions of this chapter shall be punished as provided in Chapter 1, Article II. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.