

LOCAL LAW NO. ____ OF THE YEAR 2026

TOWN OF CAMBRIA

COUNTY OF NIAGARA, STATE OF NEW YORK

**A Local Law Amending the Town of Cambria Zoning Ordinance by Transferring
Special Use Permit Jurisdiction to the Planning Board.**

Be it enacted by the Town Board of the Town of Cambria as follows:

SECTION 1. TITLE.

This Local Law shall be known and may be cited as “A Local Law Amending the Town of Cambria Zoning Ordinance by Transferring Special Use Permit Jurisdiction to the Planning Board.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.

The Town Board of the Town of Cambria finds that applications for special use permits — referred to in the Town of Cambria Zoning Ordinance (the “Zoning Ordinance”) variously as “special permits,” “special exceptions,” and “special uses” — presently are reviewed and decided by the Town of Cambria Zoning Board of Appeals, while site plan review of the same projects is conducted by the Town of Cambria Planning Board. Consolidating special use permit review and site plan review in a single board will eliminate duplicative proceedings, promote consistent land use determinations, and provide a more efficient and predictable process for applicants and the public.

Section 274-b(2) of the Town Law of the State of New York authorizes the Town Board, as part of a zoning ordinance or local law, to authorize the Planning Board or such other administrative body as it shall designate to grant special use permits. The Town Board hereby exercises that authority to designate the Planning Board as the board authorized to review, consider, and decide applications for special use permits under the Zoning Ordinance.

Nothing in this Local Law is intended to alter, diminish, or transfer any other power or duty of the Zoning Board of Appeals, including its authority to hear and decide administrative appeals under Section 267-a of the Town Law and to grant use and area variances under Section 267-b of the Town Law.

SECTION 3. AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law and Sections 261, 263, 264, 265, and 274-b of the Town Law of the State of New York.

SECTION 4. RULES OF CONSTRUCTION; GENERAL SUBSTITUTION.

Except as otherwise expressly provided in this Local Law, and throughout the Zoning Ordinance, every reference or grant of authority to the “Zoning Board of Appeals,” the

“Board of Appeals,” or the “Zoning Board” to receive, review, consider, refer, hear, condition, grant, deny, extend, renew, revoke, or otherwise decide an application for a special permit, special exception, or special use (a “special use permit”) is hereby amended to refer to, and to vest that authority in, the **Planning Board** of the Town of Cambria. Corresponding procedural references — including references to reports or recommendations “to” or “from” the Planning Board that were premised on the Zoning Board of Appeals acting as the deciding body — shall be construed and applied consistent with the Planning Board serving as the board that decides such applications, so that no application requires a report or recommendation from the Planning Board to itself.

This Section governs any special use permit provision of the Zoning Ordinance not specifically amended below; the specific amendments in Sections 5 through 11 are provided for clarity and do not limit the general substitution effected by this Section.

In Sections 5 through 11, new text is shown underlined and deleted text is shown in ~~strikethrough~~.

SECTION 5. AMENDMENT OF SECTION 1100 (USES PERMITTED AS SPECIAL EXCEPTIONS).

The introductory paragraph of Section 1100 of the Zoning Ordinance is hereby amended to read as follows:

As provided by §274-b of the Town Law of the State of New York and authorized by the Town Board, the ~~Zoning Board of Appeals~~ Planning Board shall consider requests for Special Permits (special provisions, special exceptions, special uses). ~~Requests for Special Permits shall be referred to the Planning Board for a report or recommendation. After the Planning Board report or recommendation is made, the Zoning Board shall consider the request.~~ Consideration of all requests hereunder by the ~~Zoning Board~~ Planning Board shall be made after public notice and public hearing under conditions set forth in this Article.

Within the district lists of Section 1100, including subsection 1(21) governing farm ponds and recreational ponds, each reference to “The Zoning Board” granting or acting upon a special permit is amended to read “The **Planning Board**.”

SECTION 6. AMENDMENT OF SECTION 1101 (CONDITIONS FOR THE GRANTING OF SPECIAL PERMITS).

Section 1101 of the Zoning Ordinance is hereby amended as follows:

- (a) Subsection 1 is amended to read: Such special permits may be authorized by the ~~Board of Appeals~~ Planning Board initially for one year only ... In granting Special Permits, the ~~Board of Appeals~~ Planning Board shall consider whether the requested use meets the following conditions: (the enumerated conditions in subsections 1(a) through 1(g) are unchanged).

- (b) Subsection 1(h) is amended to read: In the discretion of the ~~Board of Appeals~~ Planning Board the permit may be reviewed upon its expiration and extended for an additional one year period or for such other period of time not to exceed five years which may be established by the ~~Board of Appeals~~ Planning Board if conditions of area have not changed. Special permits are renewable without the necessity of a public hearing.
- (c) Subsection 2 is amended to read: “The Planning Board shall consider all information before it at the meeting at which the request for the special permit is considered.” ~~deleted as unnecessary, the report and recommendation mechanism it described being obsolete upon the transfer of special permit authority to the Planning Board.~~
- (d) Subsection 3 is amended to read: “To assist the ~~Board of Appeals~~ Planning Board in its determination, an application for a permit under this section shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.”

SECTION 7. AMENDMENT OF SPECIAL PERMIT PROVISIONS IN ARTICLES III THROUGH X.

- (a) The provision of the Zoning Ordinance requiring that all other structures and uses shall require a special permit and approval of the ~~Zoning Board of Appeals~~ Planning Board as provided in Article XI hereof, unless prohibited by Section 701 herein, is amended as shown.
- (b) The sign provision providing that any additional sign shall be subject to approval by the ~~Town Zoning Board~~ Planning Board by Special Permit pursuant to Section 1101 of this Ordinance is amended as shown.
- (c) The Bed and Breakfast provision requiring that no person shall operate a Bed and Breakfast establishment without first having obtained a Special Permit from the ~~Zoning Board of Appeals~~ Planning Board, site plan approval from the Planning Board and a building permit from the office of the Building Inspector is amended as shown.
- (d) All other provisions of Articles III through X that require a special permit “issued pursuant to Section 1100” or “Section 1101” (including, without limitation, the excavation provision) shall be administered by the Planning Board, no board being separately named in those provisions.

SECTION 8. AMENDMENT OF SECTION 1130 (SPECIAL PERMITS AND/OR SITE PLAN APPROVALS FOR AGRICULTURAL TOURISM, ETC.).

Section 1130 of the Zoning Ordinance is hereby amended as follows:

- (a) Each reference to “the Zoning Board” as the body that “may grant a Special Permit,” “shall determine whether such Special Permit should be granted,” or by which a Special Permit “is granted” (including in subsections 1130(5), 1130(6)(c),

1130(9), and the Special Events provisions) is amended to refer to the **Planning Board**. (Town of Cambria Zoning Ordinance § 1130)

- (b) Because the Planning Board becomes both the board deciding the Special Permit and the board conducting site plan review, the internal referral mechanism is amended so that no referral of the Special Permit Application from the Zoning Board to the Planning Board “for its report or recommendation” is required. Accordingly:

- (i) Subsection 1130(6)(a) is amended to read: “Upon receipt of a complete Special Permit Application, the ~~application shall be referred to the Planning Board for its report or recommendation~~ Planning Board shall review the application in conjunction with the related application for Site Plan Approval.
- (ii) Subsection 1130(6)(c) is amended to read: “After consideration of the ~~Planning Board’s report or recommendation~~, input received from the Public Hearing and all other information before it, including the Application for the Special Permit, the ~~Zoning Board~~ Planning Board shall determine whether such Special Permit should be granted, and if so, upon what terms and conditions.”
- (iii) Subsection 1130(10)(b) is amended to read: “After reviewing an application for the Special Permit (if applicable), and application for Site Plan Approval, the Planning Board shall ~~make a report or recommendation to the Zoning Board regarding the application for a Special Permit (if applicable)~~ decide the application for the Special Permit (if applicable) and issue the Preliminary or Final Site Plan Approval, as applicable, in a single consolidated determination.”

- (c) All references in Section 1130 to a Special Permit “validly granted by the Zoning Board” are amended to read “validly granted by the **Planning Board**.”

SECTION 9. AMENDMENT OF SECTION 1203 (BOARD OF APPEALS — POWERS AND DUTIES).

Section 1203 of the Zoning Ordinance is hereby amended as follows:

- (a) Subsection 3(b) (Special Exceptions) is amended to read: “~~Special Exceptions—To hear and decide applications for special exceptions as specified in Section 1100 of this ordinance pursuant to New York State Town Law Section 274-b and to authorize issuance of special permits as specifically provided therein. Reserved.~~ Authority to hear and decide applications for special permits, special exceptions, and special uses under Section 1100 and Article XI, and to authorize the issuance of special permits pursuant to New York State Town Law Section 274-b, is vested in the Planning Board pursuant to Section 1208 of this Ordinance.”

- (b) Subsections 3(a) (Administrative Review) and 3(c) (Variances) are **unchanged**; the Zoning Board of Appeals retains full authority to hear administrative appeals under Town Law Section 267-a and to grant use and area variances under Town Law Section 267-b.
- (c) Subsection 3(d) (Reference to Niagara County Planning Board) is amended to add the following to the end of said Section: “With respect to a proposed special permit, the referral required by Sections 239-l and 239-m of the General Municipal Law shall be made by the **Planning Board**, and the words ‘the Board of Appeals may act’ and ‘the Board of Appeals shall not act contrary’ shall, as to special permits, be read as the Planning Board may act and the Planning Board shall not act contrary. Referrals concerning variances remain with the Zoning Board of Appeals.”
- (d) In Subsections 4 and 5, each reference to an “application for a special permit” and to the “Board of Appeals” acting upon such an application (including the fixing of a hearing, the giving of notice, and the rendering of a decision) is deleted from the Zoning Board of Appeals’ procedures and transferred to the Planning Board as provided in Section 1208 below. The Zoning Board of Appeals’ procedures in Subsections 4 and 5 otherwise remain in effect for administrative appeals and variances.

SECTION 10. NEW SECTION 1208 (PLANNING BOARD SPECIAL USE PERMIT PROCEDURES).

The Zoning Ordinance is hereby amended to add a new Section 1208 to read as follows:

Section 1208. PLANNING BOARD REVIEW OF SPECIAL USE PERMITS.

1. **Authorized board.** Pursuant to Section 274-b of the Town Law and Section 1100 of this Ordinance, the Planning Board is the board authorized to review, consider, condition, grant, and deny applications for special permits, special exceptions, and special uses under this Ordinance.
2. **Application.** An application for a special permit shall be filed with the Planning Board (through the Code Enforcement Officer) and shall be accompanied by the plans and descriptive matter required by Section 1101 and, where applicable, Section 1130. Where a project requires both a special permit and site plan approval, the Planning Board shall review and decide both in a consolidated proceeding.
3. **Public hearing.** The Planning Board shall conduct a public hearing within sixty-two (62) days from the day a complete application is received. Public notice of the hearing shall be published in a newspaper of general circulation in the Town at least five (5) days prior to the hearing.
4. **County and other notice.** At least ten (10) days before the hearing, the Planning Board shall mail notice to the applicant and, where required by Sections 239-l and 239-m of the General Municipal Law, to the

Niagara County Planning Board, together with a full statement of the proposed action; and shall give such other notice as this Ordinance requires.

5. **Decision.** The Planning Board shall decide the application within sixty-two (62) days after the public hearing. The time may be extended by mutual consent of the applicant and the Planning Board. The decision shall be filed in the office of the Town Clerk within five (5) business days and a copy mailed to the applicant.
6. **Conditions.** The Planning Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the special permit, as authorized by Section 274-b(4) of the Town Law and Section 1101 of this Ordinance.
7. **SEQRA.** The Planning Board shall comply with the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and its implementing regulations.
8. **Area variance.** Where a proposed special permit contains one or more features that do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 267-b of the Town Law, without the necessity of a decision or determination of an administrative official, as provided in Section 274-b(3) of the Town Law.
9. **Court review.** Any person aggrieved by a decision of the Planning Board on a special permit may seek review by a proceeding under Article 78 of the Civil Practice Law and Rules, instituted within thirty (30) days after the filing of the decision in the office of the Town Clerk, as provided in Section 274-b(9) of the Town Law.

SECTION 11. CONFORMING AMENDMENT TO FEE SCHEDULE.

Section 1207 of the Zoning Ordinance (Fees) is unchanged in amount. The fee for a “Special permit or exceptions as provided in Article XI of the Zoning Ordinance” shall be paid to the Town in connection with an application to the Planning Board.

SECTION 12. PENDING APPLICATIONS.

Any application for a special permit that is pending before the Zoning Board of Appeals on the effective date of this Local Law shall be transferred to and determined by the Planning Board, which may rely on the record developed before the Zoning Board of Appeals. Any special permit granted by the Zoning Board of Appeals before the effective date of this Local Law remains valid according to its terms, and any renewal, extension, amendment, or revocation of such a permit shall be determined by the Planning Board.

SECTION 13. REPEALER.

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

SECTION 14. SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Local Law is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the controversy.

SECTION 15. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.