

Chapter 288, Zoning.

1. PROPOSED CHANGE:

In § 288-200: In the definition of “farm,” “five acres” is revised to “seven acres.”

PRESENT LAW: “FARM - Any parcel of land containing at least five acres which is used in the raising of crops, livestock and livestock products or as otherwise described in Section 301 of the NYS Agricultural and Markets Law.”

RATIONALE FOR CHANGE: The Town’s definition of “farm” seeks to track the State’s definition as set forth in Section 301 of the NYS Agricultural and Markets Law by making explicit reference to said section. The measurement that repeatedly appears in Section 301, including with respect to the definition of “land used in agricultural production” is “not less than seven acres.” To avoid confusion, the Town seeks conformity between its definition and that set forth in Section 301, particularly since said section is explicitly referenced in the Zoning Ordinance.

NOTE: Within the Ordinance, the term “farm” is not used when setting forth land use options. The Ordinance explicitly permits land uses such as “Agriculture,” “Animal Husbandry” and “Agricultural Tourism,” which are separately defined and whose definitions do not include a minimum land size, except that a Special Permit is needed to undertake Animal Husbandry on lots less than five acres. Section 301 largely relates to the qualifications of a property for agricultural assessment purposes, which qualifications are set by the State and the definition of “farm” is ostensibly included in the Ordinance because certain State Laws that have some interplay with the Ordinance use the term. In practice, there is no change to the land use provisions of the Ordinance; Thus, any parcel less than 7 acres may still engage in “Agriculture,” “Animal Husbandry” (with SUP if parcel less than 5 acres, as is the current law) or “Agricultural Tourism” in the zoning districts where such uses are presently permitted.

2. PROPOSED CHANGE:

In §§ 288-200 and 288-700A “automobile laundry” is revised to “car wash.”

RATIONALE FOR CHANGE: To increase clarity of the Ordinance by updating terms to reflect modern parlance.

3. PROPOSED CHANGE:

Former Section 300(5), regarding keeping of transient roomers or boarders, is deleted.

RATIONALE FOR CHANGE: This is an archaic definition which seeks to describe seasonal/migrant farm workers. It is unnecessary to continue the inclusion of this archaic term, as

the ability to house seasonal/migrant farm workers and the structure requirements for doing so are governed by the N.Y. Agriculture and Markets Law.

4. PROPOSED CHANGE:

Former Section 300(8), regarding playhouses, tool houses or garden houses, is deleted.

RATIONALE FOR CHANGE: For the sake of streamlining the Ordinance, these explicit definitions of specific accessory structures are being deleted as they are unnecessary and their inclusion could be viewed as implying that certain other undefined accessory use buildings or structures are not permitted. “Playhouses,” “tool houses” and “garden houses” are contemplated and included in Section 300(4)’s “Accessory use buildings or structures” provision.

5. PROPOSED CHANGE:

Former Section 400(3), regarding keeping of transient roomers and boarders, is deleted.

RATIONALE FOR CHANGE: This is an archaic definition which seeks to describe seasonal/migrant farm workers. It is unnecessary to continue the inclusion of this archaic term, as the ability to house seasonal/migrant farm workers and the structure requirements for doing so are governed by the N.Y. Agriculture and Markets Law.

6. PROPOSED CHANGE:

Former Section 400(6), regarding playhouses, tool houses and garden houses, is deleted.

RATIONALE FOR CHANGE: For the sake of streamlining the Ordinance, these explicit definitions of specific accessory structures are being deleted as they are unnecessary and their inclusion could be viewed as implying that certain other undefined accessory use buildings or structures are not permitted. “Playhouses,” “tool houses” and “garden houses” are contemplated and included in Section 400(2)’s “Accessory use buildings or structures” provision.

7. PROPOSED CHANGE:

Section 288-401J is amended to read as follows:

Wineries, cideries, distilleries, breweries, microbreweries, meaderies, etc. which are licensed as "Farm Wineries", etc., by the New York State Alcohol Beverage Control (ABC) Law § 76 etc., whose agricultural crops used to produce the farm winery's alcoholic beverages do not constitute a farm operation under the New York State Agriculture and Markets Law § 305-a due to less than 51% of the agricultural crops used to produce the farm's alcoholic beverage being grown by the farm.

PRESENT LAW: “As in Section 301(4).”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the prohibited use, rather than referring the reader to another section of the law in order to discover the prohibited use.

8. PROPOSED CHANGE:

Section 288-500 is amended to read as follows:

In Medium Density Residential Use Districts no building or other structure or land shall be used and no building or other structure shall be built for any purpose other than:

- A. One-family, two-family dwellings.*
- B. Multifamily dwellings, which are defined as buildings having two side yards and accommodating three or four families.*
- C. Accessory buildings or structures including garages as defined herein and as regulated in § 288-300D. No accessory use building or other structures including garages shall be constructed until the principal building is completed or under construction.*
- D. Outdoor storage of not more than one each of the following vehicles, provided they are owned for personal use by the owner, resident or lessee of the premises: boat, boat trailer, recreational vehicle, utility trailer and as regulated in § 288-300E.*
- E. Not more than one private garage per dwelling unit; open parking for operative passenger vehicles of persons visiting or residing on the premises.*
- F. Private swimming pool not operated for gain.*
- G. Agriculture as defined in Article II, except as prohibited in § 288-401 herein.*
- H. Other uses and other buildings and structures as provided by §§ 288-1100, 288-1101, 288-1106 and 288-1107.*

PRESENT LAW: “In Medium Density Residential Use Districts no building or other structure or land shall be used and no other building or other structure shall be built for any purpose other than:

- 1. A use permitted in Residence Districts (see Article IV).
- 2. Multi-family dwellings, which are defined as buildings having two side yards and accommodating three or four families.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the permitted uses, rather than referring the reader to another section of the law in order to discover the permitted uses.

9. PROPOSED CHANGE:

Section 288-600O through Z are added to read as follows:

- O. Private swimming pool not operated for gain.*
- P. Agriculture as defined in Article II, except as prohibited in § 288-601 herein.*
- Q. Outdoor storage of not more than one each of the following vehicles, provided they are in working condition, owned and are for the personal use by the owner, resident or lessee of the premises: boat, boat trailer, recreational vehicle, utility trailer. The setback for the storage of such vehicles shall be a minimum of 40 feet from the road right-of-way and any such vehicle shall be parked in the driveway of the premises. Outdoor storage of trailers used for commercial purposes or commercial vehicles as defined herein shall not be permitted.*
- R. Open parking for operative passenger vehicles for persons visiting the premises.*
- S. Public park and playgrounds.*
- T. Temporary stands where agricultural or garden products are sold which are produced predominantly in or upon the property or in the Town of Cambria or as a farm operation as defined hereunder, may be erected and used by the owner of that property, provided the stand shall be located not nearer than 20 feet from the street or highway right-of-way, and further proper and adequate driveways and parking shall be maintained in connection therewith.*
- U. Permanent stands used for the sale of agricultural or garden products which are predominantly produced in the Town of Cambria, or as a farm operation as defined hereunder, but which are not defined as agribusiness hereunder, shall be at least 70 feet from the highway right-of-way and no closer than 100 feet from any sideline. Sufficient off-road parking shall be provided, including off- road parking for buses, if applicable.*
- V. Tennis court not operated for gain.*
- W. Barns and other buildings, used for active agricultural purposes.*
- X. Home occupations.*
- Y. Agricultural tourism, subject to site plan review for such a use pursuant to § 288-605 hereof.*
- Z. Other uses and buildings and structures as provided by §§ 288-1100, 288-*

1101, 288-1106 and 288-1107.

PRESENT LAW: “O. Any use permitted in Sections 300 and 400, except as are prohibited in Section [601] herein.

P. Other uses as provided by Sections 1100, 1101, 1106 and 1107.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the permitted uses, rather than referring the reader to other sections of the law in order to discover the permitted uses.

10. PROPOSED CHANGE:

Section 288-700P through MM are added to read as follows:

- Q. Antique, beauty and barber shops.*
- R. Bowling alley or similar recreational establishment entirely enclosed within a building.*
- S. Financial establishments including banks, credit agencies other than banks, security and commodity brokers, dealers and services.*
- T. Hardware stores, food stores, apparel and accessory stores, and furniture and home furnishing stores.*
- U. Insurance carriers, agents, brokers and services.*
- V. Ice storage and vending (three tons or less capacity.*
- W. Laundry, coin operated, dry cleaner.*
- X. Motel or motor court, conforming to the provisions of § 288-1102.*
- Y. Motion-picture theaters, amusements and recreation services, medical and other health services and legal services.*
- Z. Motor vehicle service station, conforming to the provisions of § 288-1104.*
- AA. Offices.*
- BB. Real estate establishments.*
- CC. Retail trade including building materials and hardware, general merchandise, food stores, apparel and accessory stores, furniture, home furnishing and eating and drinking places including bars and restaurants.*
- DD. Private swimming pool not operated for gain.*
- EE. Agriculture as defined in Article II, except as prohibited in § 288-701 herein.*
- FF. Open parking for operative passenger vehicles for persons visiting the premises.*

GG. Public park and playgrounds.

HH. Temporary stands where agricultural or garden products are sold which are produced predominantly in or upon the property or in the Town of Cambria or as a farm operation as defined hereunder, may be erected and used by the owner of that property, provided the stand shall be located not nearer than 20 feet from the street or highway right-of-way, and further proper and adequate driveways and parking shall be maintained in connection therewith.

II. Permanent stands used for the sale of agricultural or garden products which are predominantly produced in the Town of Cambria, or as a farm operation as defined hereunder, but which are not defined as agribusiness hereunder, shall be at least 70 feet from the highway right-of-way and no closer than 100 feet from any sideline. Sufficient off-road parking shall be provided, including off- road parking for buses, if applicable.

JJ. Tennis court not operated for gain.

KK. Barns and other buildings, used for active agricultural purposes.

LL. Home occupations.

MM. Agricultural tourism, subject to site plan review for such a use pursuant to § 288-705 hereof.

PRESENT LAW: “P. Other uses as provided in Section 1100, 1101, 1106 and 1107.
Q. Any use permitted in Sections 300, 400, 500 and 600, except as may be prohibited in Section [701] herein.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the permitted uses, rather than referring the reader to other sections of the law in order to discover the permitted uses.

11. PROPOSED CHANGE:

Section 288-701 is amended to read as follows:

All uses and structures not permitted in §§ 288-300, 288-400, 288-600, 288-700 and including but not limited to the following:

- A. Automobile wrecking graveyards or disassembly plants.*
- B. Bakery employing more than five persons.*
- C. Bottling works.*
- D. Coal yards.*

- E. *Commercial warehouse.*
- F. *Crude oil, gasoline or any of its volatile products or other highly flammable liquid storage in above ground tanks in an amount greater than 550 gallons.*
- G. *Dumps.*
- H. *Electric welding other than that incidental to building construction.*
- I. *Flea markets and auction barns.*
- J. *Farms, except a winery, brewery, cidery, distillery, meadery or microbrewery that is licensed as a farm winery, farm brewery, farm cidery, farm distillery, farm meadery or farm microbrewery by the New York Alcohol Beverage Control (ABC) Law § 76, et seq., whose agricultural crops used to produce its alcoholic beverages do not constitute a farm operation under New York Agriculture and Markets Law § 305-a due to less than 51% of its agricultural crops being used to produce the alcoholic beverage, is a permitted use in the B-1 and B-2 Districts by special permit.*
- K. *Junkyards; secondhand material yards and the storage, baling and/or treatment of junk, old iron, rags, bottles or scrap paper; sludge processing or storage of sludge or similar waste material; recycling; storage or depositing in any manner of toxic waste or hazardous waste as defined by the New York State Department of Environmental Conservation.*
- L. *Laundries other than laundromats and similar self-service establishments and dyeing and cleaning works, using power machinery or employing more than five persons.*
- M. *Live animal or poultry sales.*
- N. *Mining, quarry, sand pit, topsoil stripping.*
- O. *Manufacturing.*
- P. *Meat smoking and processing meat for animal foods whether or not incidental to a retail business conducted on the premises.*
- Q. *Milk distribution plants.*
- R. *Motor freight terminal.*
- S. *Motor vehicle repair station.*
- T. *Outdoor storage of commercial tractors and trailers.*
- U. *Rendering lard and other fats.*
- V. *Residential dwellings.*
- W. *Slaughtering poultry and animals.*

X. Warehouse.

Y. Wholesale business.

PRESENT LAW: “1. All uses not permitted in Sections 300, 400, 500 and 600.
2. All uses prohibited in Section [601], except those permitted in Section [700].”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the prohibited uses, rather than referring the reader to other sections of the law in order to discover the prohibited uses.

12. PROPOSED CHANGE:

Section 288-1003A is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

PRESENT LAW: “1. General clearing of wooded areas, the intentional destruction of living trees and top cutting (cutting off the top portion of a living tree) is prohibited in this district. However, selective clearing of heavily wooded areas shall be permitted, as hereinafter stated. The Building Inspector of the Town of Cambria may issue a permit for selective clearing of such areas, when in the opinion of the Building Inspector, such clearing is necessary for an aesthetic or some other legitimate purpose, and upon the payment to the Town of Cambria of a fee of twenty dollars (\$20.00). Any permit granted pursuant to this section shall specifically enumerate or otherwise describe by tree diameter which living trees may be removed by applicant. Nothing hereunder shall be construed to prohibit the removal of fallen dead trees in the escarpment district, for which no permit hereunder shall be required.”

RATIONALE FOR CHANGE: To eliminate the fixed clearing permit fee set forth in the Ordinance and to refer the reader to the fee schedule on file with the Town Clerk. The fee schedule on file will always set forth the present fee. The proposed change seeks to ensure that the reader is not misinformed as to the amount of the fee if they were to review an outdated copy of the Ordinance, since the fee schedule may be changed by resolution from time to time as determined by the Town Board.

13. PROPOSED CHANGE:

Section 288-1101D is added to read as follows:

In the event that a property with a special permit is to be sold or transferred to a new owner, the Building Inspector shall be notified in writing at least 30 days prior thereto, in order to make the new owner aware of any conditions that may be placed on the special permit and ensure compliance therewith.

RATIONALE FOR CHANGE: To ensure that the purchaser of a parcel relative to which a Special Use Permit has been granted is properly made aware of any conditions of the Special Use Permit so that the new purchaser does not unknowingly violate any such conditions and thereby jeopardize the continuation of the Special Use Permit.

14. PROPOSED CHANGE:

Section 288-1108 is amended to read as follows:

- A. Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner without review and approval by the Planning Board. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this chapter.*
- B. The Planning Board, as part of site plan review, will determine whether the amount of proposed parking spaces is adequate to meet the needs of the users of the site. For the Planning Board to make a determination on parking, the applicant and the Board will utilize the Town's general guidelines document for parking (copy available at the Building Department/Planning Department). The applicant can also submit additional information such as parking studies, parking requirements from other similar uses, other sites that it operates, etc., to help in this determination.*
- C. Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this chapter shall be continued and may not be counted as serving a new building, structure, addition or land use without review and approval by the Planning Board; nor shall any parking space be substituted for an off-street loading and unloading space, nor any loading and unloading space be substituted for parking space without review and approval by the Planning Board.*
- D. Shared parking arrangements with adjoining properties shall be reviewed and approved by the Planning Board as part of the Site Plan Approval.*
- E. No off-street automobile parking or storage space shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.*
- F. The parking spaces provided along with their necessary driveways and passageways shall be surfaced or finished in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans*

for the construction of buildings and other structures and are to be presented to the Building Inspector at the time application for building permits are to be filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

- G. A minimum ground area of not less than 10% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas shall be green space (landscaped islands).*
- H. Screening. Every automotive use area, except off-street parking areas for less than five vehicles, shall be screened from any adjoining lot in any R District, including lots situated across the street, as follows:*
 - (1) Along a street line, by a planting strip of natural vegetation five feet wide; provided, however, that no shrub planting or tree foliage shall be placed or maintained which obstructs vision at an elevation between three feet and seven feet above the street level. Such screening may be interrupted by normal entrances and exits.*
 - (2) Along a rear lot line or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, by a compact evergreen hedge which will reach a height of five feet within three years or by a solid uniformly painted fence or an unpierced masonry wall five feet in height. Such screening shall be maintained in good condition at all times.*
 - (3) Plastic or other types of artificial plantings or vegetation shall be prohibited.*

PRESENT LAW:

“1. General Provisions:

a) Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this ordinance.

b) If the vehicle storage space or standing space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

c) Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this ordinance shall be continued and may not be counted as serving a new building, structure, addition or land use; nor shall any required parking space be substituted for an off-street loading and unloading space, nor any required loading and unloading space be substituted for parking space.

d) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of those parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on a Sunday, may be assigned to a use which will be closed at night or on Sunday.

e) No off-street automobile parking or storage space shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.

f) The parking spaces provided along with their necessary driveways and passageways shall be surfaced or finished in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for the construction of buildings and other structures and are to be presented to the Building Inspector at the time application for building permits are to be filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

2. Amusement Facilities. One parking space for every three customers computed on the basis of maximum servicing capacity at any one time plus one additional space for each of the maximum number of employees who may be working at any particular time.

3. Apartment Houses. Two spaces for each apartment.

4. Auditorium. One parking space for every three seats occupied at maximum capacity.

5. Boarding House. One parking space for each sleeping room occupied by roomers or boarders plus one parking space for each dwelling unit on the premises, plus one additional space for each of the maximum number of employees who may be working at any particular time.

6. Bowling Alleys. As in subsection 2.

7. Churches a/k/a Religious Worship, Place of. As in subsection 4.

8. Civic Centers. Parking or storage space for all vehicles used directly in the operation of such establishment plus four parking spaces for the first 1,000 square feet or total floor area and an additional parking space for every additional 150 square feet of floor area.

9. Clubhouses and Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor and Other Similar Organizations. One parking space for every 40 square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building plus one additional space for each of the maximum number of employees who may be working at any particular time.

10. Colleges (Educational Institutions). One parking space for every three seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium or gymnasium, one parking space shall be provided for each person regularly employed at such institution plus five additional spaces for each classroom.

11. Dental Clinics. Three parking spaces for each doctor or dentist plus one additional space for each of the maximum number of employees who may be working at any particular time.

12. Dormitories. One parking space for every two beds computed on the basis of the maximum bed capacity of the structure. This requirement is in addition to the parking space requirements as set forth in subsection 10.

13. Eating Establishments. One parking space for every 50 square feet of total floor area plus one additional space for each of the maximum number of employees who may be working at any particular time.

14. Electric Shops. Parking or storage space for all vehicles used directly in the conduct of the business plus one additional space for each of the maximum number of employees who may be working at any particular time.

15. Fraternity Houses. As in subsection 12.

16. Freight Terminals. Parking or storage space for all vehicles used directly in the conduct of the business plus one additional space for each of the maximum number of employees who may be working at any particular time.

17. Funeral Homes. Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each person regularly employed on the premises and one space for every six seats in the auditorium or chapel of such establishment. If the establishment does not have a chapel or auditorium, the additional parking to be required for funeral visitors shall be determined by the Planning Board upon site plan review based on the number of funerals that can be handled at one time, the size of the facilities and other relevant factors.

18. Hospitals. One parking space for every two beds intended for patients, excluding bassinets plus one additional space for each of the maximum number of employees who may be working at any particular time.

19. Hotels. One parking space for each sleeping room offered for tourist accommodations, one additional space for each dwelling unit on the premises, plus one additional space for each of

the maximum number of employees who may be working at any particular time.

20. Indoor Retail Business. Parking or storage space for all vehicles used directly in the conduct of such business plus four parking spaces for the first 1,000 square feet of total floor area and one additional space for every additional 150 square feet of floor area, plus one additional space for each of the maximum number of employees who may be working at any particular time.

21. Industrial Plants and Facilities. Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one additional space for each of the maximum number of employees who may be working at any particular time.

22. Junior High Schools (Secondary). One parking space for every five seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school plus two additional spaces for each classroom.

23. Libraries. As in subsection 8.

24. Medical Clinics. As in subsection 11.

25. Manufactured Homes. Two parking spaces for each manufactured home.

26. Manufactured Home Parks. Two parking spaces for each manufactured home.

27. Motels. As in Section 1102.

28. Museums. As in subsection 8.

29. Nursing Home. One parking space for every two beds computed on the basis of the maximum bed capacity of the structure. This requirement is in addition to the parking space requirements for hospitals set forth in subsection 18.

30. Offices. One parking space for every 200 square feet of office space.

31. Outdoor Retail Business. Parking or storage space for all vehicles used directly in the conduct of such business plus one parking space for every person employed on the premises in maximum seasonal employment and such additional space as may be required by the Planning Board based on the nature of the business and other relevant factors.

32. Plumbing Shops. As in subsection 14.

33. Post Offices. As in subsection 8.

34. Private Schools. One parking space for each person regularly employed at such school plus

one additional space for each classroom.

35. Public Assembly. As in subsection 4.

36. Public School (Elementary). As in subsection 34.

37. Public Garage. Indoor or outdoor parking or storage space for all vehicles renting or leasing such space, one parking space for each vehicle used directly in the conduct of such business plus one additional space for each of the maximum number of employees who may be working at any particular time.

38. Recreation Centers and Facilities. As in subsection 2.

39. Repair Shops, Motor Vehicle Service Stations and Motor Vehicle Repair Facilities. Indoor or outdoor parking or storage space for all vehicles being repaired or serviced, one parking space for each vehicle used directly in the conduct of such business, plus one additional space for each of the maximum number of employees who may be working at any particular time.

40. Residences. Two parking spaces for each dwelling unit.

41. Restaurants. As in subsection 13.

42. Roofing Shops. As in subsection. 39.

43. Rooming Houses. As in subsection 5.

44. Self-Service Laundries and Dry Cleaning Self-Service Plants. One parking space for every two washing machines and/or dry cleaning machines.

45. Senior High School (Secondary). As in subsection 22.

46. Service Establishment. As in subsection 39.

47. Service Station - Motor Vehicle. Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each gas pump, three spaces for each grease rack and one space for every two persons employed on the premises at maximum employment on a single shift.

48. Skating Rinks. As in subsection 2.

49. Sorority Houses. As in subsection 12.

50. Stadium. As in subsection 4.

51. Swimming Pools. As in subsection 2.

52. Tavern. One parking space for each occupant based upon maximum capacity or one parking space for each 25 square feet of the tavern used by the public, whichever is greater, plus one space for each of the maximum number of employees who may be working at any particular time.

53. Theaters. As in subsection 4.

54. Tourist Courts. As in subsection 19.

55. Tourist Homes. As in subsection 19.

56. Transportation Terminals. One parking space for every 100 square feet of waiting room space plus one additional space for every two persons regularly employed on the premises.

57. Trucking Terminals. As in subsection 16.

58. Undertaking Establishments. As in subsection 17.

59. Universities. As in subsection 10.

60. Warehouse. As in subsection 16.

61. Wholesale Business. Parking or storage space for all vehicles used directly in the conduct of such business plus one parking space for each two persons employed on the premises based on maximum seasonal employment.”

RATIONALE FOR CHANGE: To increase efficiency, the Ordinance’s present explicitly enumerated specific parameters for parking as they relate to certain defined land uses are being eliminated from print and the reader is instead referred to the Town’s general parking guidelines.

15. PROPOSED CHANGE:

Section 288-1109 is amended to read as follows:

On the same premises, with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained, as permitted in a site plan approval by the Planning Board, adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading space shall be provided at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity as permitted in a site

plan approval by the Planning Board.

PRESENT LAW:

“1. On the same premises, with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained, as permitted in a Site Plan Approval by the Planning Board, adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading space shall be provided as set forth below at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity as permitted in a Site Plan Approval by the Planning Board.

2. Freight Terminals. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 5,000 square feet of total floor area.

3. Hotels. One off-street loading and unloading space at least 12 feet by 35 feet by 14 feet high.

4. Hospital. As in subsection 3.

5. Indoor Markets. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 7,500 square feet or less of total floor area.

6. Industrial Plants. One off-street loading and unloading space at least 12 feet by 55 feet by 14 feet high for every 10,000 square feet of total floor area or as required by the Planning Board in its site plan review and approval.

7. Retail Business. As in subsection 3.

8. Service Establishments. As in subsection 3.

9. Trucking Terminals. As in subsection 2.

10. Warehouses. As in subsection 5.

11. Wholesale Storage Facilities. As in subsection 5.”

RATIONALE FOR CHANGE: To increase efficiency and to provide the Planning Board with greater freedom to make commercial loading/unloading space determinations on a case-by-case basis, the Ordinance’s present explicitly enumerated specific parameters for such spaces as they relate to certain defined land uses are being eliminated.

16. PROPOSED CHANGE:

Section 288-1113B is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

PRESENT LAW:

“The Building Inspector of the Town of Cambria may issue a permit for the removal from premises of material excavated from existing drainage ditches within any District of the Town or new drainage ditches in any District approved by the Niagara County Soil Conservation Service, or other agency acceptable to the Town Board of the Town of Cambria, when in the opinion of the Building Inspector, such ditching is necessary for drainage and upon the payment to the Town of Cambria of a fee of twenty dollars (\$20.00). The Town Board may revoke any permit issued hereunder if it shall find that the proposed excavation or removal of earth is being performed in violation of any of the provisions herein. Any person receiving a permit pursuant to Section 1113.2 herein for the removal or excavation of fill, gravel, top soil, stone or other substance shall use all reasonable means in connection with such excavation and removal so as to reduce and minimize dust and dirt which might arise from such operation.”

RATIONALE FOR CHANGE: To eliminate the fixed ditching fee set forth in the Ordinance and to refer the reader to the fee schedule on file with the Town Clerk. The fee schedule on file will always set forth the present fee. The proposed change seeks to ensure that the reader is not misinformed as to the amount of the fee if they were to review an outdated copy of the Ordinance, since the fee schedule may be changed by resolution from time to time as determined by the Town Board.

17. PROPOSED CHANGE:

Former Section 1126(4), Remedies and penalties, is deleted.

PRESENT LAW: “Remedies and Penalties. Any person, corporation, business, association, firm, partnership or Bed and Breakfast establishment found to be operating in violation of any provision of this Ordinance shall be guilty of a violation and shall be subject to a fine not exceeding \$250.00 or imprisonment not exceeding 15 days, or both such fines and imprisonment. Each day a violation exists shall be considered a separate violation.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by deleting this duplicative penalty provision; § 288-1205, the Ordinance’s “Penalties” provision, shall apply.

18. PROPOSED CHANGE:

Section 288-1129M(4) is amended to read as follows:

Penalties. Any person who violates this section shall be liable for penalties as set forth in § 288-1205.

PRESENT LAW:

“Penalties

1. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates the provisions of this ordinance shall be pay a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for the first civil penalty; for a second violation both of which were committed within a period of five (5) years, shall pay a civil penalty not less than Three Hundred Fifty Dollars (\$350.00), nor more than Seven Hundred Dollars (\$700.00); and upon a third or subsequent violation all of which were committed within a period of five (5) years, shall pay a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00). Each week’s continued violation shall constitute a separate violation.

2. The civil penalty shall be imposed by and the amount due determined by the Town of Cambria Building Inspector whenever the Building Inspector determines a violation of the Zoning Ordinance has occurred.

3. Any zoning application or Building Permit application received from an applicant having an unresolved civil penalty shall be deferred acceptance until the issues relating to the civil penalty are resolved.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by consolidating the various prospective penalties for violations of the Stormwater Management and Erosion and Sediment Control Law with a single, streamlined reference to § 288-1205, the Ordinance’s “Penalties” provision.

19. PROPOSED CHANGE:

Section 288-1130P(4)(b) is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

PRESENT LAW:

“An application fee

(a) The application fee for a Special Events Permit shall be \$250.00, except the Planning Board may, upon good cause shown, and in its sole discretion, waive all or a portion of said fee.

(b) Applications that are submitted less than 60 days prior to the proposed event may be rejected or subject to a late processing fee of \$250.00.”

RATIONALE FOR CHANGE: To eliminate the fixed Special Events fees set forth in the Ordinance and to refer the reader to the fee schedule on file with the Town Clerk. The fee schedule on file will always set forth the present fees. The proposed change seeks to ensure that the reader is not misinformed as to the amounts of the fees if they were to review an outdated copy of the Ordinance, since the fee schedule may be changed by resolution from time to time as determined by the Town Board. The amended provision would still provide that the Planning Board may, upon good cause shown, and in its sole discretion, waive all or a portion of said fee.

20. PROPOSED CHANGE:

Section 288-1130P(11) is amended to read as follows:

- (11) Enforcement and penalties. Any person or organization conducting a special event that is to be regulated under this section without first obtaining a special event permit or failing to comply with the terms of a permit shall be subject to the penalties as set forth in § 288-1205.
 - (a) No special events permit may be issued to any property owner, occupant and/or their agent if such person is named as a defendant in an outstanding or unresolved violation of this section.
 - (b) The Town of Cambria may, in its sole discretion, maintain any action(s) or proceeding(s) in a court or courts of competent jurisdiction, for remedial action to cure a violation of this section including, but not limited to, compliance proceedings and/or injunctive proceedings.

PRESENT LAW:

“Enforcement and Penalties

1. Failure to obtain a Permit. Any person or organization conducting a Special Event that is to be regulated under this section without first obtaining a Special Events Permit according to the procedures outlined herein shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00.
2. Failure to comply with the terms of a Permit. Any person or organization failing to comply with the terms of a Special Events Permit hereunder shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00.
3. Subsequent Offenses. For each subsequent offense, the maximum fine hereunder shall be not less than \$500.00 and not more than \$1,500.00.
4. No Special Events Permit may be issued to any property owner, occupant and/or their agent if such person is named as a defendant in an outstanding or unresolved violation of this section.

5. The Town of Cambria may, in its sole discretion, maintain any action(s) or proceeding(s) in a Court or Courts of competent jurisdiction, for remedial action to cure a violation of this section including, but not limited to, compliance proceedings and/or injunctive proceedings.”

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by consolidating the various prospective penalties for violations of the Special Event Permit process with a single, streamlined reference to § 288-1205, the Ordinance’s “Penalties” provision.

21. PROPOSED CHANGE:

Section 288-1132 is added to read as follows:

§ 288-1132. Battery energy storage systems.

For regulations on battery energy storage systems, see Chapter 63, Battery Energy Storage Systems.

PRESENT LAW: The present Ordinance Section 1132 is a codification of the Town’s 2022 Local Law regulating Battery Wind Energy Storage Systems.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code in its own Chapter (Chapter 271), to facilitate easier access and searching by the reader.

22. PROPOSED CHANGE:

Section 288-1133 is added to read as follows:

§ 288-1133. Solar energy systems.

For regulations on solar energy systems, see Chapter 188, Solar Energy Systems.

PRESENT LAW: The present Ordinance Section 1133 is a codification of the Town’s 2021 Local Law regulating Solar Energy Systems.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code in its own Chapter (Chapter 188), to facilitate easier access and searching by the reader.

23. PROPOSED CHANGE:

Section 288-1134 is added to read as follows:

§ 288-1134. Wind energy systems.

For regulations on wind energy systems, see Chapter 271, Wind Energy Systems.

PRESENT LAW: The present Ordinance Section 1134 is a codification of the Town's 2009 Local Law regulating Wind Energy Systems.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code in its own Chapter (Chapter 271), to facilitate easier access and searching by the reader.

24. PROPOSED CHANGE:

Section 288-1135 is added to read as follows:

§ 288-1135. Wireless telecommunications facilities.

For regulations on wireless telecommunications facilities, see Chapter 278, Wireless Telecommunications Facilities.

PRESENT LAW: The present Ordinance Section 1135 is a codification of the Town's 2002 Local Law regulating Wireless Telecommunications Facilities.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code in its own Chapter (Chapter 278), to facilitate easier access and searching by the reader.

25. PROPOSED CHANGE:

Section 288-1202 is amended to read as follows:

Building permits and certificates of occupancy shall be issued in accordance with the procedures in Chapter 70, Building Construction and Fire Prevention, of this Code.

PRESENT LAW: The present Ordinance Section 1202 relates to Building Permits and Certificates of Occupancy.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code within a Chapter solely devoted to the Building Construction and Fire Prevention Codes (Chapter 70), to facilitate easier access and searching by the reader.

26. PROPOSED CHANGE:

Section 288-1203A(3) is amended to read as follows:

Appointment. The Town Board shall appoint the members of the Board of Appeals and shall designate its Chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office. All members shall participate in the required training as determined by the Town Board. Pursuant to Chapter 29, Article I, of the Code of the Town of Cambria, alternate members to the Zoning Board of Appeals may be appointed by the Town Board.

PRESENT LAW: “Appointment - The Town Board shall appoint the members of the Board of Appeals and shall designate its chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment; provided, however, that such Town Board may by resolution increase the number of the members of the Board to seven and, thereafter such additional members shall be first appointed for the terms of two and four years respectively. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office. All members shall participate in the required training as determined by the Town Board. Pursuant to Local Law No. 1, 1999, alternate members to the Zoning Board of Appeals may be appointed by the Town Board.”

RATIONALE FOR CHANGE: To bring the Ordinance into conformity with N.Y. Town Law Section 267, by eliminating the Town Board’s ability to increase the number of the members of the Zoning Board of Appeals to seven by resolution, as N.Y. Town Law Section 267 no longer provides the Town Board with such authority and to update the citation reference to Local Law No. 1, 1999, to Chapter 1, Article 1 of the consolidated Code.

27. PROPOSED CHANGE:

Section 288-1203C(2)(b) is added to read as follows:

Reference to neighboring municipalities. In accordance with the policy and procedures provided for by Section 239-nn of the General Municipal Law, notice shall be given to an adjacent municipality at least ten days prior to a public hearing relating to any proposed special permit, use variance, site plan review and approval, or subdivision review and approval affecting real property within 500 feet of the adjacent municipality.

PRESENT LAW: The present provision does not contain an explicit reference to the Town’s obligation to notify adjoining municipalities pursuant to Section 239-nn of the General Municipal Law.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, this provision explicitly sets forth the Town's General Municipal Law obligations to notify adjoining municipalities in such matters, so as to inform the reader of this obligation, in the event the reader is not aware of such General Municipal Law obligation.

28. PROPOSED CHANGE:

In § 288-1203E(3) "within 60 days" is revised to "within 62 days."

PRESENT LAW: "Decision. Upon the hearing, any party may appear in person or by agent or by attorney, and the Board of Appeals shall decide the application for variance, or appeal for administrative review, or the application for a special permit within 60 days after the final hearing as provided by Town Law, Section 267(5)."

RATIONALE FOR CHANGE: To bring the provision into conformity with N.Y. Town Law Section 267-a, which presently provides that ZBA decisions be rendered within 62 days of the final hearing held in the matter.

29. PROPOSED CHANGE:

Section 288-1206 is amended to add following sentence: "...Notification to adjacent municipalities, if amendments to this chapter which would change the district classifications or the regulations applying to real property within 500 feet of an adjacent municipality, shall also be given in accordance with Section 239-nn of the General Municipal Law...."

PRESENT LAW: The present provision does not contain an explicit reference to the Town's obligation to notify adjoining municipalities pursuant to Section 239-nn of the General Municipal Law.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, this provision explicitly sets forth the Town's General Municipal Law obligations to notify adjoining municipalities in such matters, so as to inform the reader of this obligation, in the event the reader is not aware of such General Municipal Law obligation.

30. PROPOSED CHANGE:

Section 288-1205 is amended to read as follows:

In addition to or as an alternative to any other penalty provided herein or by law, any violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were

committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

PRESENT LAW:

“1. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates the provisions of this ordinance shall be pay a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for the first civil penalty; for a second violation both of which were committed within a period of five (5) years, shall pay a civil penalty not less than Three Hundred Fifty Dollars (\$350.00), nor more than Seven Hundred Dollars (\$700.00); and upon a third or subsequent violation all of which were committed within a period of five (5) years, shall pay a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00). Each week’s continued violation shall constitute a separate violation.

2. The civil penalty shall be imposed by and the amount due determined by the Town of Cambria Building Inspector whenever the Building Inspector determines a violation of the Zoning Ordinance has occurred.

3. Any zoning application or Building Permit application received from an applicant having an unresolved civil penalty shall be deferred acceptance until the issues relating to the civil penalty are resolved.”

RATIONALE FOR CHANGE: To explicitly inform the reader of the zoning enforcement penalties made available to the Town pursuant to N.Y. Town Law Section 268, by explicitly citing the language of said section, so that any reader who is not familiar with Section 268 is adequately informed of the potential penalties that the Town may seek to have a court impose upon a finding of guilt as to an alleged zoning violation. The present zoning ordinance does not inform the reader of the prospect of an imprisonment penalty, and, although ignorance of a potential penalty does not prevent its application by a court to such a party, it seems prudent to the Town to make any reader of its Ordinance fully aware of the potential consequences of an unresolved zoning violation, so that a reader can govern their conduct appropriately.

31. PROPOSED CHANGE:

Section 288-1207 is amended to read as follows:

- A. *Fees must be paid to the Town before any application will be accepted for variances, special permits or other related zoning matters by the Town according to the fee schedule determined by the Town Board, which is on file with the Town Clerk.*
- B. *Fees must be paid to the Town for inspections by the Code Enforcement Officer according to the fee schedule determined by the Town Board, which is on file with the Town Clerk.*
- C. *Arrangements for payment of the actual costs for engineering and Attorney's fees on behalf of the Town to review the application including costs relative to SEQRA shall be paid by the applicant prior to the scheduling of all applicable public hearings required with respect to the application.*

PRESENT LAW:

“1. The following fees must be paid to the Town before any application will be accepted for variances, special permits or other related zoning matters by the Town:

- a) Use and area variances-----\$200.00
- b) Special permit or exceptions as provided in Article XI of the Zoning Ordinance---
-----\$200.00
- c) Any other change in zoning or permit for existing zoning-----\$200.00

2. Unless otherwise specified, fees for inspections by the Code Enforcement Officer required by the Zoning Ordinance or at the request of others shall be payable at the rate of \$25.00 per hour, with \$25.00 constituting the minimum inspection fee. Any inspection required hereunder shall not be considered satisfactory unless the fee required hereunder has been paid in full.

3. Arrangements for payment of the actual costs for engineering and Attorney's fees on behalf of the Town to review the application including costs relative to SEQRA shall be paid by the applicant prior to the scheduling of all applicable public hearings required with respect to the application.

4. The foregoing schedule of fees may be amended by the Town Board from time to time without the necessity of amending this Zoning Ordinance.”

RATIONALE FOR CHANGE: To eliminate the fixed fee schedule set forth in the Ordinance and to refer the reader to the fee schedule on file with the Town Clerk. The fee schedule on file will always set forth the present fees. The proposed change seeks to ensure that the reader is not misinformed as to the amounts of the fees if they were to review an outdated copy of the Ordinance, since the fee schedule may be changed from time to time as determined by the Town Board.

32. PROPOSED CHANGE:

Section 288-1208C(2) is added to read as follows:

The statutory requirements of General Municipal Law §§ 239-l, 239-m and 239-nn for site plan referrals to the Niagara County Planning Board and site plan notification requirements for adjoining municipalities shall apply.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, this provision explicitly sets forth the Town's General Municipal Law obligations to refer such matters to the Niagara County Planning Board and adjoining municipalities, so as to inform the reader of these obligations, in the event the reader is not aware of such General Municipal Law obligations.

33. PROPOSED CHANGE:

Article XIII is amended to read as follows:

§ 288-1300. Applicable standards.

See Chapter 70, Building Construction and Fire Prevention, for current Building and Fire Code Provisions.

PRESENT LAW: The present Ordinance Section 1300 et seq. incorporates by reference the amended New York State Building and Fire Prevention Codes and sets forth provisions for the local administration thereof.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth this area of the Code in its own Chapter (Chapter 70), to facilitate easier access and searching by the reader.

34. PROPOSED CHANGE:

Section 70-11A is amended to read as follows:

Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) At least once every 12 months for buildings which contain an assembly area;*
- (2) At least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and*

- (3) *At least once every 36 months for multiple dwellings and all nonresidential occupancies.*

PRESENT LAW: The above provisions have been in effect within the Town for several years, following the State's revision of the New York State Building and Fire Prevention Codes and the subsequent enactment of the Town's Local Law #1 of 2023, whereby the Town adopted said revisions.

RATIONALE FOR CHANGE: To increase clarity and efficiency of the Ordinance, by explicitly setting forth the provisions of the Local Law in Chapter 70 of the Town Code, so the reader need not resort to multiple locations to fully ascertain the breadth of the laws in this area.