

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Whitestown

Local Law No. 3 of the year 20 23

A local law Providing for the Amendment of Chapter 200 of the Code of the Town of  
(Insert Title)  
Whitestown so as to provide for the appointment of alternate members  
to the Zoning Board of Appeals and Planning Board and to provide  
training for Planning Board and Zoning Board of Appeals members.

Be it enacted by the Whitestown Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Oneida as follows:

SEE ENCLOSED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 23 of the (County)(City)(Town)(Village) of Town of Whitestown was duly passed by the Town Board on March 15 20 23, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of N/A was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of N/A was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of N/A was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. N/A of 20     of the City of                                      having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on                                      20    , became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. N/A of 20     of the County of                                      State of New York, having been submitted to the electors at the General Election of November                                      20    , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

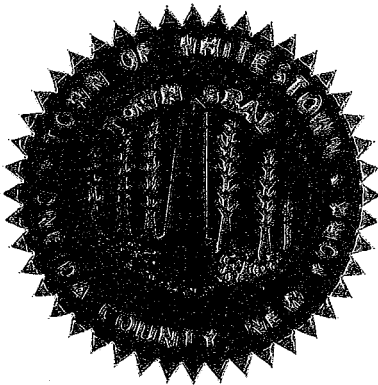
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph              above.

Debra Mauley, Deputy Town Clerk  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 15, 2023

(Seal)



LOCAL LAW # 3 OF 2023

Providing for the Amendment of Chapter 200 of the Code of the Town of Whitestown so as to provide for the appointment of alternate members to the Zoning Board of Appeals and Planning Board and to provide training for Planning Board and Zoning Board of Appeals members.

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF  
WHITESTOWN, NEW YORK, AS FOLLOWS:**

**I. Section I: Declaration of Policy.**

It is sometimes difficult to maintain a quorum on the Planning Board and/or Zoning Board, because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

The Town Board also finds that appropriate training of Zoning Board of Appeals and Planning Board members is essential to the proper functioning of such boards. The State of New York has recognized the importance of training in its amendments to the Planning Board and ZBA statutes, Town Law sections 271 and 267, respectively.

It is the purpose of this Local Law to assist the ZBA and Planning Board members in obtaining training to enhance their ability to carry out their duties under applicable provisions of Law, and to pay the reasonable costs of such training as a Town charge. It is also the purpose of this Local Law to establish minimum training and continuing education course requirements for such members.

**II. Section II: Local Law No. 3 of 2013 entitled "Alternate Planning Board & Zoning Board of Appeals Members' Act" is hereby repealed in its entirety.**

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**III. Section III: Chapter 200, "Town of Whitestown Zoning Ordinance of 1980," is amended so as to include a new Section 200-38A to read as follows:**

**Section 200-38A. Alternate Members for the Planning Board and Zoning Board of Appeals.**

**A. Definitions.**

1. "Planning Board" means, the planning board of the Town of Whitestown as established and/or re-established by the Town Board by this local law, pursuant to the provisions of New York Town Law § 271 comprised of seven (7) members.
2. "Zoning Board of Appeals" means, the zoning board of appeals of the Town of Whitestown as established or re-established by this local law, pursuant to the provisions of New York Town Law § 267 comprised of five (5) members.
3. "Member" means, an individual appointed by the Town Board to serve on the Town Planning Board, or the Town Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which established such Planning Board and Zoning Board of Appeals.
4. "Alternate Member" means, an individual appointed by the Town Board to serve on the Town Planning Board, or the Town Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

**B. Authorization / Effect.**

1. The Town Board of the Town of Whitestown may appoint not more than two "alternate" members each to the Planning Board and/or Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.
2. Alternate members of the Planning Board and/or Zoning Board of Appeals shall be appointed by the Town Board for a term of five (5) years.
3. The chairperson of the Planning Board and/or Zoning Board of Appeals shall have the authority to appoint an alternate member to substitute for a member when such member is unable to

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participate on an application or matter before the board. When so designated, the alternate member shall process all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the Planning Board and/or Zoning Board of Appeals meeting at which the substitution is made. The alternate member is expected to participate in any application from its filing until the board's final determination, but such arrangement may be made at the discretion of the chair of the Zoning Board of Appeals or Planning Board. The use of an alternate member on a specific application or matter does not excuse a permanent member from attending a meeting to participate on different applications or matters.

4. All provisions of state law relating to Planning Board and/or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on the boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

**C. Minimum Training Requirements.**

1. All members and alternate members of the Zoning Board of Appeals and Planning Board shall be required to attend a minimum of four (4) hours in relevant training courses within one (1) year from the date of their initial appointment to such board; and thereafter, attend training sessions of not less than four (4) hours every year thereafter.
2. Non-compliance with these minimum requirements relating to training shall be deemed a proper cause for removal from office.
3. The reasonable costs of such training courses, seminars, workshops or continuing education courses so designated shall be a Town charge. Members shall also be reimbursed for travel and meal expenses according to Town policies. Such trainings shall be approved in advance by the Town Board.
4. A certificate or other form of documentation certifying the completion of minimum training

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requirements shall be submitted to the Town Supervisor by the end of each year on an annual basis.

**D. Minimum Attendance Requirements.**

1. All permanent members and Zoning Board of Appeals and Planning Board, absent good cause being shown, shall attend seventy-five percent (75%) of the meetings of their respective board on an annual basis.
2. Non-compliance with these minimum attendance requirements shall be deemed a proper cause for removal from office.

**Section IV: Supersession of Town Law.**

This local law is hereby adopted pursuant to the provisions of New York Municipal Home Rule Law § 10 and New York State Local Government Law § 10. It is the intent of the Town Board, pursuant to New York Municipal Home Rule Law § 10, to supersede the provisions

of:

- (1) New York Town Law § 271 relating to the appointment of members to town planning boards; and/or

- (2) New York Town Law § 267 relating to the appointment of members to a town zoning board of appeals.

**Section V: Severability.**

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

**Section VI: Effective Date.**

This Local Law shall take effect upon filing with the Secretary of State.



town of "Moving forward, together"  
**WHITESTOWN**  
New York Mills • Oriskany • Whitesboro • Yorkville

*Supervisor*

Shaun J. Kaleta

*Council*

Kevin R. Barry, Jr.  
Michael R. Ciancaglioni  
Joseph A. Cirasuolo  
David W. Glenn

*Deputy Town Clerk*

Debra A. Manley

*Superintendent of Highways*

Salvatore F. Granato, Jr.

*Receiver of Taxes*

Margaret H. Hardy

*Town Attorney*

William P. Schmitt

March 15, 2023

NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

Dear Ms. Lasch,

Please find enclosed Local Law #3-2023 for the Town of Whitestown, Providing for the Amendment of Chapter 200 of the Code of the Town of Whitestown so as to provide for the appointment of alternate members to the Zoning Board of Appeals and Planning Board and to provide training for Planning Board and Zoning Board of Appeals members.

Sincerely,

Debra Manley  
Deputy Town Clerk  
Town of Whitestown

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
HTTPS://DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

March 29, 2023

Debra Manley  
Whitestown Deputy Town Clerk  
8539 Clark Mills Rd  
Whitesboro NY 13492

**RE: Town of Whitestown, Local Law 2 & 3 2023, filed on March 20 2023**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**