

**VILLAGE OF WHITEHALL  
COUNTY OF WASHINGTON, STATE OF NEW YORK  
Local Law No. 3 of the Year 2026**

**A LOCAL LAW ABOLISHING THE VILLAGE OF WHITEHALL PLANNING BOARD  
AND VESTING THE POWERS THEREOF WITH THE VILLAGE OF WHITEHALL  
ZONING BOARD OF APPEALS**

**BE IT ENACTED** by the Village Board of the Village of Whitehall, New York as follows:

**§1. LEGISLATIVE INTENT**

The Board of Trustees has experienced significant hardship finding members of to fill the positions on the Village's Planning Board and Zoning Board of Appeals. To address this, the Board of Trustees has explored combining the powers of the Planning Board and Zoning Board of Appeals into one board to oversee such matters as required under the Village's Zoning Law adopted as Local Law 3 of 1996 (the "Zoning Law"), and such other local laws of the Village as may be provided for in such local laws. The Board of Trustees of the Village of Whitehall has the authority to abolish the Village's existing Planning Board and vest the powers of the Planning Board with the Zoning Board of Appeals which shall have the same powers and duties as a planning board and a zoning board of appeals. This law is enacted pursuant to the Village Law and §10 of the Municipal Home Rule Law. To the extent contrary to any law of the State of New York and to the extent permitted by the laws and Constitution of the State of New York, it is the express intent of the Board of Trustees to supersede any such law and to provide for the combination of powers of the Planning Board and Zoning Board of Appeals.

**§2. AMENDMENTS TO THE ZONING LAW**

The Zoning Law is hereby amended to delete therefrom the existing provisions of Article X titled "Zoning Board of Appeals and Planning Board", including Sections 10.1 through 10.5 inclusive, and replace same as follows:

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**ARTICLE X- ZONING BOARD OF APPEALS**

**10.1 Combining the Planning Board and Zoning Board of Appeals.**

- a. The Planning Board as currently constituted and comprised as of the date of this Local Law are both hereby abolished and consolidated into the Village of Whitehall Zoning Board of Appeals. All powers of the Planning Board are hereby conferred to the Zoning Board of Appeals.
- b. Wherever the terms "Zoning Board," "Planning Board," or "Village Planning Board" other than references to the Washington County Planning Board, appear in the Zoning Law or any other local law of the Village of Whitehall, said terms shall hereafter mean and refer to the Zoning Board of Appeals as constituted with the adoption of

this Local Law.

- c. Pursuant to § 7-718 of NYS Village Law, the Zoning Board of Appeals previously established under local law and still in existence at the time of this Chapter's enactment shall hereby be re-established as amended and set forth in this Local Law. The procedures of the Zoning Board of Appeals shall be as set forth in Article 7 of the Village Law of the State of New York. The Zoning Board of Appeals shall have all powers of a board of appeals and planning board as set forth in Article 7 of the Village Law of the State of New York, and any local law adopted by the Board of Trustees.
- d. The Zoning Board of Appeals shall consist of five (5) members plus two (2) alternates, which positions of alternates are hereby created. The mayor shall appoint members of the Zoning Board of Appeals, including alternates and the chairperson thereof, subject to the approval of the Board of Trustees. In the absence of a chairperson the Zoning Board of Appeals may designate a member to serve as acting chairperson.
- e. With the reestablishment of the Zoning Board of Appeals as set forth in this Local Law, the appointment of members to the Zoning Board of Appeals shall be of terms so fixed that one member's term shall expire at the end of the Village official year (June-May) in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each Village official year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed by the Mayor, subject to approval of the Board of Trustees, for a term which shall be equal in years to the number of members of the Zoning Board of Appeals.
- f. Each member of the Zoning Board of Appeals shall attend all meetings of the Zoning Board of Appeals. Failure to attend three (3) out of any twelve (12) meetings in any Village fiscal calendar year (June-May) shall constitute grounds for removal by the Mayor, in his or her discretion.
- g. Each member of the Zoning Board of Appeals shall satisfy all training requirements set forth in Article 7 of the Village Law of the State of New York.
- h. If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint the new member for the unexpired term.
- i. The Mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established in this Local Law.
- j. All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- k. Any alternate members appointed to the Zoning Board of Appeals shall be subject to all requirements under this Local Law except for attendance at meetings. The chairperson of the Zoning Board of Appeals may call on any alternate of the Zoning Board of Appeals to sit as a member of the Zoning Board of Appeals when any member of the Zoning Board of Appeals is unable to attend such meeting of the Zoning Board of Appeals for any reason. When so designated, the alternate member

shall possess all the powers and responsibilities of such member of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

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**§6. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§7. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.