

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

of

Williamstown

Town

Village

FILED
STATE RECORDS

DEC 21 2018

Local Law No. 2 of the year 2016

DEPARTMENT OF STATE

A local law Forming and Empowering a Board of Appeals
(Insert Title)

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

County

City

of Williamstown

as follows:

Town

Village

SECTION 1: TITLE

This Local Law shall be known as the "Local Law Forming and Empowering a Board of Appeals" in the Town of Williamstown, County of Oswego and State of New York.

SECTION 2: PURPOSE

Through the establishment of the Town of Williamstown Board of Appeals, it is the intention of the Town to create an opportunity for appeal for anyone aggrieved by a decision of an administrative official or agency pertaining to current local laws any other law enacted in the future by the Town Board to which referral is made therein for appeal to the Board of Appeals.

SECTION 3: AUTHORITY

The Board of Appeals is authorized by this Local Law pursuant to the authority granted to the Town Board under Municipal Home Rule Law of the State of New York.

SECTION 4: GENERAL PURPOSE

The general purpose of the Board of Appeals shall be:

- A. To guide and regulate the orderly growth, development, and redevelopment with the principles and standards deemed beneficial to the interests and welfare of the people.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most desirable and best adapted.
- D. To secure safety from fire, flood and other dangers, and to provide adequate light, air and convenience of access.
- E. To prevent overcrowding of the land and excessive density of population.
- F. To minimize and where possible to prevent traffic congestion on public streets and highways.
- G. To conserve the value of buildings and to enhance the value of the land throughout the Town.
- H. To protect natural water sources that provide water supply for the community.

SECTION 5: MEMBERSHIP

The Town Board shall appoint a Board of Appeals consisting of three members and shall designate the chairperson thereof. No person who is a member of the Town Board shall be eligible for membership on the Board of Appeals. Prospective members:

- A. Must be a property owner or a registered voter within the Town.
- B. Must be at least 18 years of age at the time of appointment.
- C. Must be a resident of the Town for at least sixty days prior to the appointment.

SECTION 6: ALTERNATES

Alternates must have the same qualifications as regular Board of Appeals members as set forth in Section 4. Alternates shall be appointed in the same manner as set forth in Section 4. All alternates may vote only in the absence of a regular member of the Board of Appeals.

SECTION 7: TERM OF MEMBERSHIP

The first persons appointed to the Board of Appeals shall serve for one, two and three years respectively. At the expiration of each member's appointment, the replacement member or replacement term shall be for a term of five years. If a vacancy shall occur, otherwise then by expiration of a term, the Town Board shall appoint the new member for the unexpired term.

SECTION 8: MEETINGS

All meetings shall be held at a time and place to be fixed by the Board of Appeals. A quorum shall constitute a majority of all members.

SECTION 9: RECORDS

The Board of Appeals shall cause to be kept records of all receipts and disbursements. The Board of Appeals shall submit to the Town Board a report of its operations for the proceeding year.

SECTION 10: POWERS, DUTIES AND PROCEDURES

The Board of Appeals shall have all the powers and duties granted a Zoning Board of Appeals pursuant to Article 16 of the Town Law of the State of New York. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken. In addition thereto, the Board of Appeals shall have any and all powers as may be specifically granted and pursuant to local laws established on subjects to be governed by the Board of Appeals.

SECTION 11: IMPOSITION OF CONDITIONS

The Board of Appeals, in exercising its duties hereunder, shall have the authority to impose such reasonable conditions and restrictions as are directly related to or incidental to the proposed use of the property. Such condition shall be consistent with the spirit and intent of the Local Laws of the Town of Williamstown and shall impose for the purpose of minimizing any adverse impact the ruling may have on the neighborhood or community.

SECTION 12: SEVERABILITY

If any part of this Local Law shall be found invalid, such invalidity shall apply only to such part, and the remainder of this Local Law shall remain valid and effective.

SECTION 13: EFFECTIVE DATE

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

(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. 2 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Williamstown was duly passed by the Town Board on December 14, 2016, in accordance with the applicable provisions of law.

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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____, in accordance with the applicable provisions of law.

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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ 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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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. _____ 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. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors of 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 1, above.

Faith Baker
FAITH BAKER, TOWN CLERK

(Seal)

Date: 12/14/16

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Allison J. Nelson
Signature ALLISON J. NELSON, ESQ.
TOWN ATTORNEY

Title

County

City

of Williamstown

Town

Village

Date: 12/15/16