

SOMERS ZONING BOARD OF APPEALS

BY-LAWS

ARTICLE I: NAME

The Board shall be known as the Somers Zoning Board of Appeals, hereafter referred to as ZBA in this document.

ARTICLE II: PURPOSE AND AUTHORIZATION

The purpose of the ZBA for the Town of Somers, Connecticut is that set forth in Chapter 124, section 8, as amended, of the Connecticut General Statutes, and those powers and duties delegated to the ZBA by municipal ordinances (see Office of the Town Clerk or Town website for Charter and regulations information) and regulations (Chapter 214-110) in accordance with the above enabling law.

ARTICLE III: OFFICE OF AGENCY

The Office of the ZBA shall be maintained by the Land Use Office. The Land Use Office, with the approval of the Chairman, shall prepare the agenda of regular and special meetings, provide legal notice of all meetings to Board members, arrange proper and legal notices of hearings, attend to correspondence of the Board, amend the Zoning Board of Appeals application form and submit it to the Board for approval as may be necessary from time to time, and perform other such duties as may be required.

ARTICLE IV: MEMBERSHIP

There shall be five regular members serving four year terms, with the powers and duties of Zoning Board of Appeals prescribed by the General Statutes (General Statutes of CT, Title 8, Chapter 124, Sections 8-5 & 8-6)..

There shall be 3 alternate members serving one year terms, with the powers and duties of Zoning Board of Appeals prescribed by the General Statutes (General Statutes of CT, Title 8, Chapter 124, Sections 8-5 & 8-6).

Members shall be appointed as per Section 7-6 of the Somers Town Charter.

Resignation from the ZBA shall be submitted in writing to the Chairman.

ARTICLE V: OFFICERS AND THEIR DUTIES

The Officers of the ZBA shall consist of a Chairman, Vice-Chairman, and Secretary.

The Chairman shall preside at all meetings and shall have the duties normally conferred by parliamentary usage on such officers, including appointing committees, calling special meetings and performing such other duties as ordered

by the ZBA. The Chairman shall have the authority to certify expenditures of funds up to \$100.00 without prior approval of the Board. The Chairman shall have the privilege of discussing all matters before the Board and voting thereon. An alternate member shall not serve as Chairman.

The Vice-Chairman shall assist the Chairman as required and in the absence of the Chairman, shall be acting Chairman and preside at meetings. An alternate member shall not serve as Vice-Chairman.

The Secretary shall be responsible for roll calls, reading of legal notices, and signing of Board approved documents. The Secretary shall be responsible for ensuring the accuracy of the Minutes of the ZBA prior to submission to the ZBA for approval at the next subsequent meeting. In the absence of the Chairman and Vice-Chairman, the Secretary shall be acting Chairman and preside at meetings. In the absence of the Secretary, the Chairperson shall appoint a Secretary pro-tem.

ARTICLE VI: ELECTION OF OFFICERS

Prior to regular business at the first regular meeting of every odd-numbered calendar year the ZBA, by vote of its regular members only, shall elect a Chairman, Vice Chairman, and Secretary from among its members. Each officer shall serve a term of two years or until a successor takes their place. All officers shall be eligible for re-election for consecutive terms. A candidate receiving a majority vote from the regular membership of the Board shall be declared elected. Vacancies in offices shall be filled as soon as possible by vote of the regular members.

ARTICLE VII: MEETINGS

Prior to regular business at the first regular meeting of the calendar year the ZBA shall elect Officers as described in Article VI. This meeting shall also be used to review and make changes or amendments, if any, to the by-laws. The by-law review discussion shall be done after any new and unfinished business that is on the agenda. Voting on the by-law changes shall be done at the next regular meeting and requires a minimum 2/3 majority of voting members present for approval. Proposed changes to the by-laws in any other subsequent meeting is discussed in Article XI.

Regular meetings will normally be held on the second Tuesday of each month at 7:30 p.m. at Somers Town Hall, and shall be consistent with the meeting schedule filed with the Town Clerk as required by Connecticut State Statutes. Public hearings will normally be held on the same evening, but at the convenience of the ZBA, may be held on other occasions, subject to proper legal notification. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting. The Land Use Office shall, to the best of their ability, make arrangements to have the information packets at the ZBA member's homes a minimum of seven days prior to the regularly scheduled meeting date.

A majority of the Members of the ZBA, present and voting, shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of those members of the ZBA present and voting, except as noted in the State Statutes. Section 8-7 of the statutes requires the concurring vote of four members of the ZBA, (1) to reverse any order, requirement, or decision of the official charged with the enforcement of the zoning regulations, (2) to decide in favor of an applicant any matter upon which the ZBA is required to pass under any by-law, ordinance, rule or regulation, or (3) to vary the application of the zoning regulations. A two-thirds vote of members present and voting is necessary to consider and act on items not included on the filed agenda of regular meetings.

Special meetings may be called by the Chairman. The notice of such meeting shall specify the purpose of such meeting and no other business may be considered. ZBA members shall be notified in writing not less than 48 hours in advance of such a meeting. Notice of each special meeting shall be posted not less than twenty-four hours before the meeting in the office of the Town Clerk.

All ZBA meetings shall be open to the public when in session. A meeting may be closed to the public during an Executive Session upon an affirmative vote of at least two-thirds of the members of the ZBA present and voting. The vote must be taken in open session and state the reasons for the Executive Session. Attendance at the Executive Session shall be limited to members of the ZBA and persons invited by the ZBA to present testimony or opinion pertinent to matters before the ZBA, provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion. The minutes of the meeting shall disclose all persons who are in attendance at the executive session (Chapter 14, Sec. 1-225 as amended).

Unless otherwise specified herein, *Robert's Rules of Order* shall govern the proceedings at meetings of the ZBA.

ARTICLE VIII: DISQUALIFICATION

No member of the ZBA shall appear for or represent any person, firm, corporation or other entity in any matter pending before the ZBA. No member of the ZBA shall participate in the hearing or decision of the ZBA upon any matter in which they are directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be noted in the minutes of the ZBA and the remaining ZBA members, unless otherwise provided by a Special Act, shall choose an alternate to act in place of a ZBA member in the hearing and determination of the particular matter or matters in which the disqualification arose. When disqualification is questioned by any member or seated alternate, the final decision of disqualification will be made by a vote of the ZBA members and seated alternates. No member of the Board may vote on a decision relating to his own disqualification. A majority of those voting will be necessary for disqualification.

ARTICLE IX: ORDER OF BUSINESS AT REGULAR MEETINGS

Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:

- a. Call to Order
- b. Roll Call
- c. Public Hearing
- d. Public Hearing Discussion/Potential Decision
- e. New Business
- f. Unfinished Business
- g. Correspondence
- h. Approval of Minutes of Previous Meetings
- i. Adjournment

ARTICLE X: EMPLOYEES

Within the limits of the funds available for its use, the Board may employ such staff personnel and/or consultants as it deems fit to aid the Board and its work. The ZBA shall employ a Recording Secretary to provide a draft of the ZBA minutes for the Secretary and shall electronically record the proceedings. All other appointments shall be made by a majority vote of the entire membership present for such vote.

ARTICLE XI: AMENDMENTS

The ZBA bylaws may be reviewed annually at the first regular calendar meeting as described in Article VII. The ZBA bylaws may be changed, amended, waived, or revoked at any ZBA meeting, with the exception of those that may be required by statute or special act. Any change, amendment, waiver, or revocation proposed at any time other than the annual review as described in Article VII shall require unanimous approval of all voting members present.

Adopted: February 11, 2013