



BYAWS FOR THE ZONING BOARD OF APPEALS
Of
THE TOWN OF EAST HAMPTON, CT

Adopted November 6, 1959
Revised February 12, 2007

ARTICLE I
Purpose and Authorization

The objectives and purposes of the Zoning Board of Appeals of the Town of East Hampton are those set forth in the Connecticut General Statutes, Title 8, Chapter 124, as amended, and those powers and duties delegated to the East Hampton Zoning Board of Appeals by the aforementioned Statutes and “An Ordinance Providing for the election of regular and alternate members of the Zoning Board of Appeals” adopted November 6, 1959.

ARTICLE II
Name

The Board shall be known as the East Hampton Zoning Board of Appeals: AKA called ZBA.

ARTICLE III
Office of Agency

The office of the East Hampton Zoning Board of Appeals shall be at the East Hampton Town Hall, where all Board records will be kept. Copies of all official documents, records, maps, etc. will be filed or recorded in the office of the Town Clerk.

ARTICLE IV
Membership

Section 1. The membership and terms of office shall be as specified in the above stated ordinance establishing the Board and the aforementioned Statutes.

Section 2. The number of voting members of the Board shall be five (5), and three (3) alternates.

Section 3. Members of the Zoning Board of Appeals shall be elected as described in the Town Ordinance.

Section 4. Variances of the Board shall be filled as specified in Section 6.4 of the East Hampton Charter as amended.

Section 5. The Town Manager, as Chief Executive of the Town, shall serve as a member of the Zoning Board of Appeals ex officio, without voting privileges, per State Statute.

Section 6. Absence of four regular meetings during a year with or without prior notification to the Chairman or to a designated town staff person, may be cause for the Board to request that the member voluntarily resign.

Section 7. Members shall notify the Chairman or any designated town staff person of his or her inability to attend a regular meeting.

ARTICLE V Officers and Their Duties

Section 1. The officers of the Board shall consist of a Chairman, and a Vice-Chairman.

Section 2. The Chairman shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, and general perform other duties as may be prescribed in these bylaws and the Connecticut General Statutes.

Section 3. The Chairman shall be one of the Board members. He shall have the privilege of discussing all matters before the Board and of voting thereon.

Section 4. The Vice-Chairman shall act for the Chairman in his absence and have the authority to perform the duties prescribed for that office. He shall be a Board member.

ARTICLE VI Administrative Staff

Section 1. The recording clerk shall keep the minutes and records of the Board and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairman, provide notice of all meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board, and such other duties as are normally carried out by a recording clerk.

Section 2. In the absence of the recording clerk due to illness or personal reasons, the Chairman, with the assistance of available staff, shall appoint a recording clerk pro tem.

ARTICLE VII Election of Officers

Section 1. An annual organization meeting shall be held on the regular monthly meeting date in January, at which time officers will be elected and bylaws reviewed and made a part of the monthly minutes. A quorum of regular members must be present before election of officers can take place.

Section 2. Nominations of the officers specified in Section 1 of Article V shall be made from the floor at the annual organization meeting and voting shall be by a method approved by the majority of members.

Section 3. A candidate receiving a majority vote from those present and voting shall be declared elected and shall serve for one year or until his successor shall take office.

Section 4. Vacancies in the offices shall be filled by appointment by the Town Council as provided by the Town Charter.

Section 5. Resignations from the Board shall be in written form and transmitted to the Town Clerk, who will then forward same to the appointing authority. A copy of same shall be submitted to the Chairman.

Section 6. The Chairman and Vice-Chairman are not limited to the number of consecutive terms which they may serve on the Board.

ARTICLE VIII Meetings

Section 1. Regular monthly meetings will be held on the second Monday of each month at 7:00 p.m. at the East Hampton Town Hall. In the event of conflict with holidays or other events, a majority at any meetings may change the date of the next regular meeting.

Section 2. Except for granting variances, reversing of any order, requirements or decision of the Zoning Enforcement Officer, which requires four affirmative votes, a majority of the voting membership of the Board shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of voting members.

Section 3. At any meeting where a quorum of the Board does not appear, the members present are empowered to discuss informally any items on the meeting agenda, either among themselves or among other interested parties present at said meeting.

Section 4. All Board meetings shall be open to the public when in session. The Board may, by a majority of those present and voting, enter into executive session.

Section 5. Special meetings may be called at the discretion of the Chairman who shall so notify the recording clerk. The clerk shall notify all members of the Board in advance of such meeting.

Section 6. Robert's Rules of Order shall govern the proceedings at the meeting of the Board.

ARTICLE IX Disqualification – Conflict of Interest

No member of the Zoning Board of Appeals shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Board. A member of the Board shall

disqualify himself from participating in the hearing or decision of the Board of which he is a member upon any matter in which he is directly or indirectly interested in personal or financial sense.

In the event of such disqualification, such fact shall be entered on the records of the Board. The Chairman will announce the disqualification of the Board member to the Board.

When disqualification is questionable, a majority of those present and voting shall make the final decision. Membership on another Board, Commission or Agency within the town by a member of the Board does not preclude his acting upon a license application sought by said Board, Commission or Agency.

ARTICLE X Order of Business

Section 1. The order of business at the regular meetings shall include:

- a. Call to Order
- b. Roll Call
- c. Approval of Minutes of Previous Meeting(s)
- d. Seating of Alternate (if applicable)
- e. Applicant(s) to be Heard
- f. Old Business
- g. New Business
- h. Adjournment

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda.

Section 3. No new business submitted for action to the Board shall be acted upon unless the Clerk has ample time to fulfill the legal notice requirements.

ARTICLE XI Hearings

Section 1. The Board may hold public hearings, in addition to required hearings, when it decides that such hearings will be in the public interest.

Section 2. All public hearings on Zoning Board of Appeals wherein a formal petition, application, request or appeal shall be heard in accordance with the requirements set forth for such hearings in Title 8, Chapters 124 of the Connecticut General Statutes, as amended. Notice of the public hearings shall be given at least twice at intervals of not less than two (2) days, the first not more than 15 days nor less than 10 days, and the last not less than two (2) days, before such hearing, in a newspaper of the general circulation in the municipality.

Section 3. The matter before the Board shall be presented in summary by a member of the Board designated by the Chairman, and parties interested shall have the privilege of the floor.

Section 4. All public hearings shall be recorded. Proceedings of the hearing shall be incorporated into the minute book of the Board to be a permanent part of the record.

ARTICLE XII Conducting the Public Hearing

Section 1. The Chairman of the Board shall preside at the public hearing. In event of his absence, the Vice-Chairman or a duly appointed Agency member shall act as a presiding officer.

Section 2. The recording clerk shall read the legal advertisement and note the dates and newspaper in which the advertisement appeared.

Section 3. A summary of the question or issue shall be stated by the presiding officer at the opening of the public hearing. Comments shall be limited to the subject advertised for the hearing. In any event, the Board shall have the privilege of speaking first. The Chairman shall describe the method of conduct of hearing.

Section 4. The Chairman shall first call for statements from the proponents. The opponent shall be given equal opportunity to comment. The order is reversible, the discretion of the Board prevailing. Whichever the case may be, each group shall make its presentation in succession without allowing an intermixture of comments pro or con.

Section 5. It shall be clear to the hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer.

Section 6. All persons recognized shall approach the hearing table in order to facilitate proper recording comments. Before commenting on the matter before the hearing each person shall give his name and address.

Section 7. The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all time. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 8. The show of hands by those persons present shall not be allowed on any general question presented at the public hearing. The hearing shall be conducted in deliberations of the regular meeting of the Board. If a general consensus of the meeting is desired, the Board may provide properly identified sheets on which the electors may signify in writing their opinion as either in favor or opposed to the questions before the public hearing. This shall not limit the ability of the Board to express their decisions by voice vote.

ARTICLE XIII Employees

Section 1. Within the limits of the funds available for its use, the Board may employ such staff, personnel and/or consultant as it sees fit to aid the Board in its work. All appointments shall be in accordance with Town policy.

ARTICLE XIV

Committees

Section 1. Special committees may be appointed by the Chairman for the purposes and terms which the Board approves.

Section 2. A majority of the committee members shall be present for the conduct of business and voting.

Section 3. Standing committees may be appointed by the Chairman at the direction of the Board.

ARTICLE XV Amendments to Bylaws

These byways may be amended by a two-thirds vote of the entire voting membership of the Board, only after the proposed change has been read and discussed at a previous regular meeting, except that the bylaws may be changed at any meeting by the unanimous vote of the entire voting membership of the Board.

Town of East Hampton, The Code, Part I, Administrative Legislation
Chapter 152 – Zoning Board of Appeals

§ 152-1

Election; terms.

The regular members of the Zoning Board of Appeals shall continue to be elected at the regular biennial elections for terms of five years. At the regular election of 1961 and biennially thereafter, there shall be elected as many regular members as shall be necessary to fill the places of those whose terms shall expire prior to the next succeeding biennial election.

§ 152-2

Alternate members.

At the regular biennial election in 1961 and quadrennially thereafter, three alternate members of the Zoning Board of Appeals shall be elected for terms of four years from the dates of their election. Pursuant to the authority contained in Section I of Public Act No. 146 of 1959,[1] the Town Council shall appoint three alternate members for the period between the effective date of this chapter and the date of the regular biennial election in 1961.