

**TOWN OF GOSHEN
ZONING BOARD OF APPEALS
RULES AND REGULATIONS**

OFFICERS AND DUTIES:

1. A Chairman and Vice- Chairman shall be elected at the first meeting of each calendar year by a majority vote of the regular members of the board and shall serve for that year or until their successors shall be elected. If the duly elected Chairman and Vice-Chairman are absent , an acting Chairman shall be elected by the regular members and shall perform the duties of Chairman
2. A clerk shall be designated by the board, who may be or may not be a member thereof. The Clerk, subject to the direction of the chairman, shall keep the minutes and records, shall conduct all correspondence and clerical work of the board.

MEETING:

1. Regular meetings, when called by the chairman, shall normally be held on the Third Thursday of the month at a time to be determined by the chairman
2. Special meetings and emergency meetings of the Board may be called by the chairman or, in his absence, the vice chairman

HEARINGS:

1. The board shall give notice of all public hearings in the manner prescribed by law.
2. Hearings shall be held, whenever possible, on the first Thursday of the month , at the Town Hall

APPLICATIONS:

1. Application for variances and notices of appeal must be submitted to the Town Clerk for forwarding to the Zoning Board of Appeals.
2. Notices of appeal shall be filed with the Board of Appeals, and as appropriate, with the Zoning Commission or those officers from whom the appeal is taken within 65 days of the date of the decision being appealed
3. All applications and notices of appeal shall be contained in the form furnished to the applicant
4. Plot Plans, to scale, giving size of lot, names of adjoining property owners and showing location of present and proposed buildings with precise distances, where applicable, from all property lines, shall accompany all applications. The board may require engineered plot plans and/or topographical surveys.
5. When the property is subject to a condition that all modifications are to be approved by a third party having power to enforce deed restrictions, a letter from the third party noting its position should be submitted with the application
6. The Zoning Enforcement Officer is usually able to assist applicants in gathering information and in filling out the application. For special circumstances, the Board's Chairman or Vice-Chairman may be contacted for suggestions on completing documentation. (ZEO Marty Connor, ACIP : (860) 491- 2308 x 232 Tuesday and Thursday 7:30 a.m. – 9:45 a.m.

POSTPONEMENT OF HEARING:

1. If a request for postponement of a hearing is made to the Zoning Board of Appeals after the publication of a public notice in the newspaper, it shall be treated as a new application and costs may be assessed to the applicant

CONDUCT OF MEETINGS:

1. All meetings shall be open to the public. Executive sessions shall be closed to the public but shall be called only for cause and if so voted by a majority of the members present and voting
2. A quorum for the hearing of and acting upon variance request, appeals of Zoning Enforcement Officer decisions, and location of approvals as delegated by the Department of Motor Vehicles shall consist of four members; A quorum for transactions of all other business, including accepting of variance applications, shall consist of three members

3. The Chairman may administer oaths or compel the attendance of witnesses
4. The order of business at meetings shall be substantially as follows:
 - a. Opening remarks by the Chairman
 - b. Approval of the minutes of the preceding meeting
 - c. Old Business
 - d. New Business
5. No Board member shall sit in a hearing or vote in passing upon a case in which he shall be personally interested, financially or otherwise. If a member shall be disqualified because of interest, such fact shall be noted in the record of the meeting
6. If a regular member is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the Chairman of the board shall designate an alternate from the panel of alternates, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

CONDUCT OF HEARINGS:

1. The order of business at public hearings shall be substantially as follows:
 - a. Opening remarks by the Chairman
 - b. Hearing of cases
 - c. Adjournment of closing of public hearing as appropriate
2. Any person may appear in person or by an accredited agent or attorney at a hearing
3. Appeals shall be heard in the order in which they are placed on file, and as shown in the call of the meeting
4. The Chairman shall give a statement of the case, following which the appellant shall present the argument in support of the case. The board shall have the opportunity to question the appellant
5. All those in support of the case shall be heard and the board shall have the opportunity to question all those in support of the case
6. Those in objection to the case shall then be heard and the board shall have the opportunity to question them.
7. The board shall have the opportunity to question anyone who is heard
8. To maintain orderly procedure, each side shall proceed without interruption by the other
9. The board shall cause the evidence to be recorded by a sound recording device in each hearing before the board in which the right of appeal lies to the superior court

DECISIONS:

1. The board may render its decision following the termination of the hearing or may reserve decision as allowed by statute
2. All members of the board sitting on any appeal shall inspect the premises involved in such appeal.
3. The final decision of the board on any appeal, petition or application before it shall be entered in the records of the board. Such decision shall show the reasons for the determination and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. Such decision shall state any exceptional difficulty or unusual hardship upon which the appeal for variance is based.
4. Notice of the decision of the board shall be published in a newspaper having general circulation in the community and sent by certified mail to any person who appeals to the board, by the clerk, within 15 days after such decision has been rendered.
5. Such decision shall be effective at such time as is fixed by the board and upon filing of the certification in the Office of the Town Clerk and, as necessary, the recording of it in the Goshen Land records.
6. In order to reverse an order or decision of the Zoning Enforcement Officer or the Zoning Commission, or to grant any variance or to decide an appeal in favor of the applicant, the concurring vote of Four members of the board shall be necessary. The minutes shall indicate the vote of each member on each question. Other matters shall be decided by a majority vote, provided a quorum was present. A member who was not present at the hearing upon any matter may vote after reviewing the sound recorded audio tape(s) of the hearing and feels they are fully informed. No matter may cast an absentee vote