

**VILLAGE OF HINSDALE  
VILLAGE BOARD OF TRUSTEES  
MINUTES OF THE MEETING  
September 5, 2017**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, September 5, 2017 at 7:30 p.m., roll call was taken.

Present: President Tom Cauley and Trustees Christopher Elder, Michael Ripani, Luke Stifflear, Gerald J. Hughes (*in attendance electronically*), Matt Posthuma and Neale Byrnes

Absent: None

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Finance Director Darrell Langlois, Assistant Village Manager/Director of Public Safety Brad Bloom, Police Chief Brian King, Fire Chief John Giannelli, Director of Community Development/Building Commissioner Robb McGinnis, Director of Public Services George Peluso, Superintendent of Parks & Recreation Heather Bereckis, Village Planner Chan Yu, Village Engineer Dan Deeter, Administration Manager Emily Wagner, Management Analyst Jean Bueche and Village Clerk Christine Bruton

**PLEDGE OF ALLEGIANCE**

President Cauley led those in attendance in the Pledge of Allegiance

**APPROVAL OF MINUTES**

Trustee Elder moved to **approve the minutes of the regular meeting of August 15, 2017, as presented.** Trustee Ripani seconded the motion.

**AYES:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

**CITIZENS' PETITIONS**

None.

**PROCLAMATION – LITTLE LEAGUE**

President Cauley recognized the outstanding season of the 2017 Little League Team 12U All Stars. He announced their winning record and added the team was a tribute to Hinsdale and represented the community well. Team members are Charlie Bergin, Joe Boggs, Grant Davis, Emerson Eck, Reece Kolke, Jakobi Lange, Max Merlo, Ben Oosterbann, Evan Phillips, Lucas

Smith, Andres Waelter and Max Williams. President Cauley introduced each boy, read the proclamation and awarded each player with a medal and copy of the proclamation.

## VILLAGE PRESIDENT'S REPORT

None.

### APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE MANAGER AND THE VILLAGE OF HINSDALE

President Cauley stated this matter will be addressed in a closed session of the Board.

## FIRST READINGS - INTRODUCTION

### Zoning & Public Safety (Chair Stifflear)

**a) Approve an Ordinance Approving a Special Use Permit to Operate a Physical Fitness Facility in the B-1 Community Business Zoning District at 5819 S. Madison Street**

Trustee Stifflear introduced the item stating the business is ½ block south of the Hinsdale Central football field, and located in a shopping center immediately surrounded by other businesses. The proposal meets code requirements for parking, and was unanimously approved at the August 9<sup>th</sup> public hearing of the Plan Commission.

Business owners and applicants, Ms. Katie Mueller and Ms. Kelly Milne, addressed the Board and described the nature of their business. They anticipate 14 classes per day beginning at 6:00 a.m. They invited all area neighbors to a meeting to discuss the new business and there were no objections. In fact, the business neighbors are looking forward to the addition of their business in this area. They have been monitoring the activity in the parking lot and there is no issue for the 8-10 spaces they will need. They confirmed there will be music during the classes, but not loud enough to be a disturbance, as instructors will need to be heard during classes.

The Board agreed to move this item forward for a second reading at their next meeting.

**b) Approve an Ordinance Amending Title 3 (“Business and License Regulations”), Chapter 11 (“Solicitation”) of the Village Code of Hinsdale**

Trustee Stifflear introduced the item and explained that, in general, solicitation for religious proselytizing, political speech, charitable and commercial purposes is protected by free speech. However, the municipality can intervene when the solicitors are asking for money. Staff is recommending the following changes: reducing the permit exemption for minors from 17 to 15 years of age, solicitors will wear a reflective vest, the department will maintain a ‘do not solicit’ database. Police Chief Brian King added that this change reflects industry best practices and constitutional protection.

Village Manager Gargano explained the changes are being recommended as a result of a resident complaint, but these changes will provide more controls to manage solicitation. The vests will be blue, will say Village of Hinsdale solicitor, and include a number; this will allow for easier enforcement.

The Board agreed to move this item to the consent agenda of their next meeting

### **CONSENT AGENDA**

#### **Administration & Community Affairs (Chair Hughes)**

- a) Trustee Elder moved **Approval and payment of the accounts payable for the period of August 16, 2017, through September 5, 2017, in the aggregate amount of \$1,956,133.89 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Byrnes seconded the motion.

**AYES:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

The following items were approved by omnibus vote:

- b) **Accept and Place on File the Post-Issuance Tax Compliance Report** (*First Reading – August 15, 2017*)
- c) **Approve paid time off in the amount of 37.5 hours per fiscal year for permanent part-time employees who annually work at least 21 hours per week and have been employed with the Village of Hinsdale for at least one year** (*First Reading – August 15, 2017*)

#### **Environment & Public Services (Chair Byrnes)**

- d) **Approve a Resolution approving the 2017 Accelerated Resurfacing construction contract Change Order #1, to reduce the contract value by an amount not to exceed \$19,033 to ALamp Concrete Contractors** (*First Reading – August 15, 2017*)
- e) **Approve an Ordinance Authorizing the Vacation of a Certain Portion of an Unimproved Alley Situated East of and Adjoining 829 S. Thurlow Street in the Village of Hinsdale, DuPage and Cook Counties, Illinois**

#### **Zoning & Public Safety (Chair Stifflear)**

- f) **Approve an Ordinance Authorizing the Disposal of Personal Property owned by the Village of Hinsdale**

Trustee Elder moved to **approve the Consent Agenda, as presented.** Trustee Stifflear seconded the motion.

**AYES:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## SECOND READINGS / NON-CONSENT AGENDA - ADOPTION

### Zoning & Public Safety (Chair Stifflear)

- a) **Approve an Ordinance Approving a Variation for a Front and Interior Side Yard Encroachment as a Reasonable Accommodation – 122 W. Walnut Street** (*Public Hearing – August 15, 2017*)

Trustee Stifflear introduced the item which is permission to install a handicap ramp, fireplace, a barbeque and a bench for ADA accommodations. The neighbors are in favor and the Trustees voiced no objections at their last meeting.

Trustee Elder moved to **Approve an Ordinance Approving a Variation for a Front and Interior Side Yard Encroachment as a Reasonable Accommodation – 122 W. Walnut Street**. Trustee Ripani seconded the motion.

**AYES:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

- b) **Approve an Ordinance Approving a Lot Size Variation for Property Located at 435 Woodside Avenue, Hinsdale, Illinois – Matt Bousquette/Kris & Tracy Parker – ZBA Case Number V-04-17** (*First Reading – August 15, 2017*)

President Cauley introduced the item stating the Board discussed this item at their last meeting, the requested variance was unanimously approved by the Zoning Board of Appeals (ZBA), and the Board had stated the conditions they would impose should the variance be granted. The neighbors stated they would make an offer to purchase the house and property; a proposal was made by the residents, but was rejected by Mr. Bousquette. President Cauley hoped the offer would be a way to solve the problem outside the Board. President Cauley stated he agrees with Mr. Bousquette that whether the offer is reasonable or fair is not for this Board to determine. He asked that all parties not talk about the value of property. However, he does think the Board should consider the same criteria as the ZBA, although that framework is not tailored for an historic home. He reviewed the standards for approval: hardship or practical difficulty, unique physical condition, not self-created, denied substantial rights, not merely special privilege, in harmony with the general and specific purposes of the code, maintains the essential character of the area, does not endanger the public welfare, create congestion, impair adequate supply of light and air, increase danger of flood or fire, tax public utilities, and there is no other remedy to permit a reasonable use of the subject property.

**Ms. Tracy Parker of 444 E. Fourth Street**, addressed the Board and stated that the Zook house is the cornerstone of Robbins Park and defines the neighborhood, but it is also a perfect fit for their family. She believes the home sits on too much land; the size of the lot and the size of the house are at odds. She agrees this is valuable property, but if the land value outweighs the benefit of fixing the house, it could be destroyed. She addressed the concept of true preservation, which would mean keeping the house as it is. She described the beauty of the existing home, which requires limited work. She believes relocation is the

only guarantee the home will be saved, and referenced a home that was recently moved in Wheaton, and added this is a helpful illustration of what can be done to this Zook home. She asked if it is reasonable to ask for a 20,000' square foot lot to be next to 21,000' square foot lot. They love the home, the majority of the town and neighbors support the project, and she hopes the Board will approve.

**Mr. Kris Parker, 444 E. Fourth Street**, thanked the neighbors for being at the meeting tonight. He said his family loves the house and living there. He stated that this weekend a small group of individuals communicated with President Cauley the details of an offer to purchase the property, but he doesn't think the Village should step into a land transaction between parties. He asked what a reasonable remedy for this situation might be. He doesn't think it is reasonable for Mr. Bousquette to take less than \$2.8 million for the property for reasons Mr. Bousquette has testified to under oath. None of us has the right to tell him what the value of the property is, and it is his right to determine how to sell and make himself whole. Mr. Bousquette has reviewed the real estate values of the area, and his research on sales and comparables, he described the offer from the LLC which was given to the Village not to him. The Village cannot impose restrictions on the LLC with respect to protecting the house. They will have to alter the house to recover their investment; either tear it down or add on. This is not preservation. If the variance is denied, his family will have to move, LLC members will profit. He asked the Board to approve the variance; it is the only real way to save the house.

**Mr. Matthew Bousquette of 448 E. Fourth Street**, addressed the Board and referenced the document he provided to the Village Board. He acknowledged the struggle and conflict around this item, and commented that the two parties don't understand each other's motives. He explained he has an asset, which is a 50,000' square foot interior lot in a great location. It has 200' feet of frontage, an up slope and cool trees. It is the largest underdeveloped lot in southeast Hinsdale. He went to a professional appraiser to determine what the lot is worth. He reported the property used for comparables and the resulting estimated price per foot, which values the property in the \$2.9 - \$3.3 million range. He stated the idea that he is going to make more money is just not true; the only reason he's doing this is to save the Zook house.

President Cauley asked Mr. Bousquette what efforts he has made to sell the lot and house as is. Mr. Bousquette said he had a sign on the lawn and sent information to contractors. They did not want the house, and in fact, wanted him to tear it down before they would be interested in purchasing the lot. He noted again that the ZBA approved the variation following 6.5 hours of testimony and he recapped how he met the approving criteria.

**Mr. Andrew Brickman of 439 E. Sixth Street**, addressed the Board and said the best way to preserve the home is to leave it where it is; he believes there is some question as to whether the home can be moved effectively. He stated he appreciates the Parkers' passion, but they're just renters, and asked what standing they have. He said the neighbors did what the Board wanted and made a valid offer which was rejected. He does not believe Mr. Bousquette can get the numbers he wants for the lot. He reiterated that all the neighbors are against this, and they own their land.

**Mr. Kevin Holmes of 425 Woodside**, addressed the Board stating he is the homeowner directly to the west of the subject property. He stated he left the ZBA meeting frustrated, because he believes the ZBA did not respect all the criteria for approval. He referenced the offer made to Mr. Bousquette and stated that several well-established realtors in Hinsdale and developers said the offer should be less. He stated the LLC wants to own and save

this house. He added that at the last meeting architect Mr. Dennis Parsons said moving the house will be difficult as it can't be cut into sections. He assured the Board theirs is a bona fide offer, and they will not tear down house. He added that Mr. Bousquette bought the house four years ago for \$44.00 per square foot or \$2.2 million.

Mr. Bousquette responded stating he wants to save the house, he apologized to the neighbors who haven't seen the comparables, but the land is worth more than the house. He added that his children will be in college soon, and if necessary he will go for the big house on the property. He noted that Mr. Holmes' home was a spec house that sold for \$62.00 per square foot, and that he will sell for market value.

**Mr. Tom Reedy of 424 Woodside** addressed the Board and stated he is not a part of the LLC, but he doesn't believe this house was truly marketed as is, but he concurs with Mr. Bousquette that he can do what he wants.

President Cauley said the purpose of the neighbor offer was so the Board wouldn't have to make a decision; they are not in a position to evaluate the worth of property. They can only follow the code and look at the evidence introduced at the ZBA hearing. He reiterated it is inappropriate to talk about the value of property. He stated he is not inclined to push this matter off, as he does not think there will be a resident to resident solution.

Trustee Elder said there have been a lot of distractions on this matter, but it is really about a variance to the zoning code. He looked at each stakeholder and concluded the neighbors are the financial stakeholders. Mr. Holmes is willing to take chance on a bigger house, and Mr. Bousquette will not be negatively affected, only the Parkers will be affected. He will vote no.

Trustee Ripani said he served on the ZBA himself for a few years and commented that from time to time persons would request a variance that might result in a consequence to the property, such as the removal of trees. However, neither the ZBA nor this Board are voting to destroy or evict; they are not the property owners. They have been invited into this discussion by virtue of the request for a variance. The Board isn't making decisions on the property; that is the property owner's to make. If this was a scheme to make money, Mr. Bousquette has a right to do this, but he believes he wants to preserve the house. He applauds the passion for the house and Hinsdale on both sides. Nevertheless, he struggles with the criteria regarding a self-created hardship. He reread the transcript, it has been stated the house is in need of a new foundation, but there is no professional testimony or evidence of this, which was a cornerstone of the recommendation on this property. There are other ways to prevent water in a basement. He would not be in favor of granting the variance.

Trustee Stifflear noted in his five years on the Plan Commission and two on the Village Board this is the most difficult decision. There are three parties involved and the Parkers will be the most disappointed if this is not approved, but they are third on the pecking order of stakeholders. This has turned into a decision based on the value of the property, which the Board should stay out of, but he hopes any offer to purchase will stand. The applicant's lack of effort to counter the offer of the neighbors is indicative. He believes this is self-created.

Trustee Hughes is not in favor of granting this variance because it only meets five of the six criteria, failing the no other remedy test. The Village has a compelling interest in preserving historic homes, but the zoning code is important, too. Variances are a tool to be used, but we need to be careful and err on the side of not granting variances. It was generally

accepted by the ZBA that a buyer was not readily available, now there is a buyer. With the code as it is, he will vote against this variance.

Trustee Posthuma commented there is a high burden to grant a variance to the zoning code, and he is concerned about precedence. This Board always asks what do the neighbors think, and in this case an entire street is against the variance and willing to risk a larger home on the property. The Board must protect residents and defer to the code.

Trustee Byrnes also commented on the difficulty of this decision. He weighed the winners and losers depending on the decision, but there is a petition signed by 20 families who live there, and he has to go along with that. He wished there was a provision in the code to allow for special consideration of historic homes.

Trustee Elder moved to **Approve an Ordinance Approving a Lot Size Variation for Property Located at 435 Woodside Avenue, Hinsdale, Illinois – Matt Bousquette/Kris & Tracy Parker – ZBA Case Number V-04-17**. Trustee Ripani seconded the motion.

**AYES:** None

**NAYS:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## DISCUSSION ITEMS

### a) **Humane Society, Robert Crown Center location**

Mr. Tom Van Winkle, Executive Director of the Humane Society, addressed the Board regarding a special use permit to move the Humane Society to the Robert Crown Center site on Elm Street. Mr. Mike Matthys, architect for the project, explained this is an opportunity to create a new facility that brings the office component and the animal shelter together with an educational center. He illustrated the proposed site and the enhancements to the site. This is a one-story building with a 1.5 story lobby. The exterior will be re-clad and new windows will be installed. The existing envelope and shape of the building will remain the same. There will be a small outdoor play yard at the north corner of the building. The area is surrounded by Salt Creek and multi-family structures. The dog walk is far from Graue Mill which is on the other side of Salt Creek. Mr. Matthys said the creek provides a substantial buffer. He described the one on one play activity for the dogs, and added the current shelter does not create a noise impact for the hospital. The Board recommended area neighbors speak to this for the record. Mr. Matthys described a traditional sound barrier, but said there could be some enhancements. He noted that most noise escapes from open doors.

President Cauley commented this is an attractive offer because of the height of the building, a different buyer would likely build up. Director of Community Development Robb McGinnis said the process will require a mailing, etc., but the zoning won't change.

The Board advised that noise would need to be addressed, Trustee Stifflear suggested a neighbor meeting prior to that. President Cauley also suggested the Graue Mill residents be informed of the benefit to them in terms of height.

Mr. Rich Kozarits, commercial real estate broker, explained he was retained by Robert Crown to market the property. They had 5-6 offers, the majority were for multi-story uses; senior assisted or independent living facilities. Medical office groups had some interest, too. He

explained that Robert Crown is under contract with the Hinsdale Humane Society for less money than they may have otherwise gotten, because this offer comports with their duty to the community and to continue their mission. He talked to Mr. Al Copeland who had no objection to this proposal.

**b) Burlington Park Fountain**

Director of Public Services George Peluso explained funds are available to replace the fountain. For one third of the budgeted amount, the center piece of the fountain would be removed and not replaced, the lighting would be enhanced and cosmetic improvements would be done. The removal of the center piece will improve the overall safety of the fountain. The Board agreed this is a good idea.

**c) Extension of Café la Fortuna's temporary use**

Village Manager Gargano introduced the item regarding Café la Fortuna's temporary use to serve coffee at the train station this summer. They have requested permission to continue for a couple more months. There were no objections from the Board.

**d) Construction update**

Mr. Peluso explained that resources have been focused on completing the Central Business District (CBD), and a website is set up for residents to voice concerns. He said the CBD is complete and the Village has received positive feedback. The additional accelerated work hasn't been completed as quickly as hoped, but they are pushing the contractor to provide completion dates. He anticipates work south of tracks will be done by the end of September, the north side will begin in mid-October and completed by mid-November. President Cauley noted he heard from a resident who couldn't get out of his driveway for two weeks. Trustee Byrnes explained temporary gravel will be installed moving forward to avoid this problem. Ms. Gargano described improved resident notification for the balance of the project, and hoped that the Hinsdalean would include contact information for residents to use. Mr. Peluso confirmed that ALamp is catching up with the work now that the CBD is complete.

Mr. John Karstrand, President of the Chamber of Commerce, thanked Mr. Deeter and Mr. Diaz for their work, they were very present during the process. He appreciated the extra effort by staff to communicate the work schedule and said the downtown looks great.

**e) Update on proposed I-294 Tollway expansion**

President Cauley stated there is nothing new to report at this time.

**DEPARTMENT AND STAFF REPORTS**

- a) Parks & Recreation
- b) Economic Development
- c) Community Development

The report(s) listed above were provided to the Board. There were no additional questions regarding the contents of the department and staff reports.

**REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

None.

**OTHER BUSINESS**

None.

**NEW BUSINESS**

None.

**CITIZENS' PETITIONS**

None

**TRUSTEE COMMENTS**

None.

**ADJOURNMENT**

There being no further business before the Board, President Cauley asked for a motion to adjourn into closed session. Trustee Stifflear moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of September 5, 2017 into closed session under 5 ILCS 120/2(c)(1) appointment, employment compensation, discipline, performance or dismissal of specific employees or legal counsel, not to reconvene.** Trustee Elder seconded the motion.

**AYES:** Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 9:39 p.m.

ATTEST: \_\_\_\_\_  
Christine M. Bruton, Village Clerk