

**VILLAGE OF HAMPSHIRE
ZONING BOARD OF APPEALS**

May 9, 2017

A meeting of the Village of Hampshire Zoning Board of Appeals was convened at 7:00 p.m. on May 9, 2017, at the Village Hall. Present were ZBA members Carl Christensen, William Albert, Hank Hoffman, Richard Frillman, Neil Collins and Joseph Schaul. David Rumoro was absent. A quorum was present.

The minutes of April 11, 2017 were read by the secretary. On motion by Albert, and seconded by Hoffman. to approve said minutes, the vote was 6 ayes and 0 nays. Motion passed.

On motion by Schaul, seconded by Frillman to re-convene the public hearing concerning the Petition of the Village for re-zoning of various properties on East Street and Mill Avenue, the vote was 6 ayes and 0 nays. Motion passed. The public hearing was re-convened at 7:08 p.m.

Ms. Judy Gehringer, 191 East Street, testified. She questioned whether the petition was complete? She believed that the Vietinghoff property should also be included, for example. Mr. Schuster explained that the Vietinghoff property was re-zoned a few years ago. Ms. Gehringer believed that the petition was started because someone believed that one of the properties on East Street had been the location of a restaurant in the past. She asked that the Village, “let sleeping dogs lie” and deny the petition. Mr. Magnussen said it would be better to amend the zoning. Ms. Gehringer thought it better that the owners have an opportunity to sell to a business fronting on on State Street.

Mr. Jose Trejo, 176 East Street, testified. He asked if the Village had done a study to determine what is highest and best use for the properties in question. He asked if the area would be converted to a business district in the future. Mr. Christensen noted that “everyone has his own idea about that - long ago someone thought that it would be good for business, for example.” Schaul noted that the change would “rectify the situation for sale.” Mr. Magnussen said that an owner of a non-conforming use would not be allowed to re-build after a calamity or after abandonment of the use. Mr. Trejo said it should be zoned for the highest property value and best use, whatever that is.

Hoffman asked if the village received any response from owners of properties at issue. Mr. Schuster responded that there had been no such response. Hoffman asked how does the ZBA know that everyone has been notified? Mr. Schuster noted that each owner had been notified by mail. Hoffman asked who had requested the amendment? Mr. Schuster responded that Mr. and Mrs. Barton, at ___ East Street had made the first request.

Hoffman stated that, from the Village standpoint, would the Village do just one property amendment, and leave the others intact? Mr. Magnussen stated that the Village wanted to “do all at once, for conformity.” There was notice; the combined petition is for ease. Hoffman questioned if the Village was not making a change for someone who has not requested it.

Christensen asked if there anyone who does not want the change? Ms. Gehringer said she was not “adamant,” but after 53 years, she wanted to “go with the flow.” She talked with M. Seyller and her mother regarding the supposed restaurant.

Mr. Trejo said he received a mortgage approval for a purchase money mortgage in 2008, without a denial – but that he did have to “sign-off” on the non-conforming use.

Christensen said that the situation was “like Washington Street,” where the zoning had been changed from M-1 Restricted Industrial Zoning District to B-2 Community Business Zoning District.

Frillman said it would be an advantage that these owners would avoid having a business opening next door which could be a nuisance to neighbors.

A motion by Hoffman, seconded by Frillman, to close the public hearing, passed by voice vote.

On motion by Hoffman, seconded by Albert, to recommend approval of the Petition for re-zoning of the eight properties listed in the Petition, from B-1 Central Business District to R-2 Single Family Residential Zoning District, the vote was 6 ayes and 0 nays. Motion passed.

On motion made by Albert, and seconded by Collins, to re-convene the public hearing concerning the Petition of the Village for re-zoning the property at 123 Park Street, from B-2 Business District to R-2 Single Family Residential District, the vote was 6 aye and 0 nay. Motion passed. The public hearing was re-convened at 7:31 p.m.

Ms. Jamie Herrmann testified. She said that an appraisal of the property could not be completed because it was determined that the property was a non-conforming use. She noted that the change would be of advantage for purposes of re-building after a calamity, or for sale. She explained that an animal hospital was located across the street from her property, and the building in which Imperial Builders was located.

A motion made by Albert, and seconded by Hoffman, to close the public hearing, passed by voice vote. The public hearing was closed at 7:35 p.m.

On motion made by Hoffman, and seconded by Frillman, to recommend approval of the Petition to Amend the Zoning Classification of the property at 123 Park Street, from B-2 Community Business Zoning District to R-2 Single Family Residential Zoning District, the vote was 6 ayes and 0 nays. Motion passed.

On motion by Schaul, seconded by Albert, to authorize the Chairman to report written findings of fact and recommendation to the Board of Trustees, the vote was 6 ayes and 0 nays. Motion passed.

There were no announcements.

There was some additional discussion by the Board members, regarding investigating into whether there were any other areas which may need a similar amendment. It was asked if a committee of the Board might examine the situation to identify any other properties in the Village to make changes.

On motion duly made by Albert, and seconded by Collins, and approved by voice vote the meeting was adjourned at 7:43 p.m..

Respectfully submitted,

Joseph Schaul

Joseph Schaul
Secretary