

**DOWNERS GROVE LIQUOR COMMISSION  
VILLAGE HALL COMMITTEE ROOM  
801 BURLINGTON AVENUE**

Thursday, December 7, 2017

**I. CALL TO ORDER**

Chairman Strelau called the December 7, 2017 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Ms. Flanagan, Mr. Jacobson, Mr. Krusenoski, Ms. Pietrucha, Ms. Toerpe,  
Chairman Strelau

**ABSENT:** Mr. Clary

**STAFF:** Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney  
Dawn Didier

**OTHERS:** Avani Patel, Vishal Sheth, Linda Smith, Willis Johnson, Shirley Johnson, Court  
Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the October 5, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the October 5, 2017 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau asked for approval of the minutes for the November 2, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the November 2, 2017 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

**IV. APPLICATION FOR LIQUOR LICENSE**

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available liquor licenses within 60 days."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) discussion by the Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

**Fairview Mart & Tobacco - 402 W. 75<sup>th</sup> Street**

Chairman Strelau stated that the next order of business was an application hearing for Khusi Pari, Inc. d/b/a Fairview Mart & Tobacco located at 402 75<sup>th</sup> Street. She stated that the applicant was seeking an upgrade from the Class "P-2", beer and wine, off-premise consumption liquor license to a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Avani Patel was sworn in by the court reporter.

Chairman Strelau asked the applicant to present its case.

Ms. Patel stated they have held a beer and wine license at the location for the past five years. She stated that they are seeking an upgrade to hard liquor based on the number of requests they get daily.

Chairman Strelau asked for questions from the Commission.

Ms. Toerpe noted that the staff report indicated that they have held the license since July. Ms. Patel stated that the license was previously under her name but is now in her father's name. Ms. Kuchynka clarified that the current corporation has held the license since July 1, 2017, however, Ms. Patel and other family members have been operating the store since September, 2013.

Ms. Toerpe asked if they have ever had a violation at the store. Ms. Patel replied no.

Ms. Toerpe asked where the hard alcohol will be placed in the store. Ms. Patel replied that all hard liquor will be behind the counter.

Ms. Toerpe asked what sized bottles will they sell. Ms. Patel replied both small and large bottles, but unsure exactly which as it will depend on what sells. She stated regardless, all hard alcohol will be behind the counter.

Ms. Toerpe asked how many employees there are. Ms. Patel replied four; herself, her sister, her father and her husband.

Ms. Toerpe asked about their carding procedures. Ms. Patel replied that they only take the sideways driver's license and do not accept vertical id's.

Mr. Jacobson commended Ms. Patel on the control buy record. He had no further questions and wished them luck.

Mr. Krusenoski had no questions.

Ms. Pietrucha noted that the application stated that they anticipate a 5% increase in alcohol sales. Ms. Patel replied that they hoped to gain at least that.

Ms. Pietrucha stated that the declaration page indicated liquor sales at 25% and they expect to go up an additional 5%, bringing expected sales to 30%. Ms. Kuchynka clarified that existing declaration was 20%, and that the 25% includes the 5% increase they are projecting.

Ms. Flanagan had no questions.

Chairman Strelau confirmed that hard alcohol will be behind the counter. Ms. Patel replied yes.

Chairman Strelau asked how big of a space the counter area is. Ms. Patel replied that the area is small currently, but they plan to acquire additional square footage from the neighboring unit. She stated that they will have an additional 900 square feet of space, all which will be behind the counter.

Ms. Patel stated that she plans on putting hard liquor were the deli counter currently exists.

Ms. Kuchynka referred to the "before" and "after" plans that were included in the packet. She stated that the licensee could not qualify for full liquor as they did not meet the 3,600 square foot license requirement. She stated that the "after" plan shows the additional 900 square feet of space that will be leased in order to meet this requirement.

Ms. Kuchynka stated that the current leased space is 3,000 square feet and the new floor plan will have 3,900 square feet. She stated that the primary business shall be a convenience store and no more than twenty-five percent (25%) of the retail sale square footage area shall be devoted to the sale of alcoholic liquor and tobacco products.

Ms. Kuchynka stated that the new plan reflects the new space. She stated that the new space will be the area where liquor will be kept behind the counter. She stated that the beer coolers will remain and the wine will be kept in the same area. Chairman Strelau asked if the beer and wine areas will need to be diminished. Ms. Kuchynka replied no, as long as they add the additional 900 square feet. Chairman Strelau asked if the plan was drawn to scale. Ms. Kuchynka replied no.

Chairman Strelau was pleased that they were doing well and have not have a violation in five years. She stated that the additional liquor sales will add another level of scrutiny on their part. She encouraged them to continue to be diligent. She encouraged them to remain thoughtful in their training and handling these additional sales.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of a signed lease for the additional square footage, building permits and the difference in the annual license fee.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their request for license upgrade.

**MR. KRUSENOSKI MOVED TO FIND KHUSI PARI, INC. D/B/A FAIRVIEW MART & TOBACCO LOCATED AT 402 75<sup>TH</sup> STREET, QUALIFIED FOR AN UPGRADE TO A CLASS**

**"P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JACOBSON SECONDED.**

**VOTE:**       **Aye:**           Mr. Krusenoski, Mr. Jacobson, Ms. Flanagan, Ms. Pietrucha, Ms. Toerpe, Chairman Strelau,

**Nay:**             None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

**Fun Zone - 2011 63<sup>rd</sup> Street**

Chairman Strelau stated that the next order of business was an application hearing for Saachi Ventures, Inc. d/b/a Fun Zone located at 2011 W. 63rd Street. She stated that the applicant was seeking a Class "REC-2", beer and wine, on-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Vishal Sheth was sworn in by the court reporter. Mr. Sheth introduced himself as co-owner and liquor manager of Fun Zone.

Chairman Strelau asked the applicant to present its case.

Mr. Sheth stated that Fun Zone is a family entertainment center. He stated that the facility will have a play structure for children, arcade games, Laser Tag, XD theater, bumper cars and restaurant all in one. He stated that they are seeking a beer and wine liquor license.

Chairman Strelau asked for questions from the Commission.

Ms. Flanagan asked Mr. Sheth about his training program. Mr. Sheth replied that he is BASSET certified. He stated that he plans to hire experienced managers to help run the business and stated that they will also be BASSET trained.

Ms. Flanagan asked Mr. Sheth about security on the premises. Mr. Sheth replied that he is in the process of installing a state-of-the art security system. He stated that cameras will record every area of the facility. He stated that he will have cameras on the restaurant/bar. He stated that he will be able to access the surveillance from his cell phone. He stated that there will be an on-site recording device that will be protected in case there is an incident they can go back and review the recordings.

Ms. Pietrucha asked Mr. Sheth about his liquor handling experience in a family-oriented environment and dealing with kids and minors who are under 21. Mr. Sheth replied that he only has his BASSET certification. He stated that he plans to have staff well-trained and plans to hire experienced managers that have been in the restaurant environment. He stated that he does not have direct experience but intends to surround himself with team members that have proper experience and will be diligent and be sure every sale is made legally and done according to policy.

Mr. Krusenoski asked if the location was the old slot car racing facility. Mr. Sheth replied yes. He stated that it also operated as Game Pazzo and most recently operated as Magic Quest Adventure Realm.

Mr. Krusenoski noted that on the Declaration Application they anticipate 4% in liquor sales. He stated that there is a high risk low reward position as they are assuming a lot of risk. He stated that the penalties for a liquor violation are severe should they serve a minor. He stated that they have to be diligent and set the tone and tenor by reminding team members that they take liquor sales very seriously.

Mr. Sheth stated that they have a strict training regiment and he intends to hold meetings throughout the year. He stated that any violation of their policy will result in immediate termination.

Mr. Sheth stated that based on his market research and competition, although there is high risk, Dave N Busters & Enchanted Castle have a similar environment and having the license will enhance his business.

Mr. Krusenoski stated that no matter how great a manual or training is, it may not stop an employee from selling liquor to a minor. He stated that some of the best systems have been defeated by employees having willfully or wantonly served a minor. He stated that under no circumstances should they tolerate employees selling to minors.

Mr. Jacobson reiterated Mr. Krusenoski's comments and noted Mr. Sheth's lack of experience in liquor handling. He stated that violations are taken very seriously and the penalty and cost is extreme. He encouraged Mr. Sheth to hire and rely on the expertise of an experienced management team.

Ms. Toerpe stated that she liked the concept of the facility and wondered how the bumper cars would be set up in the facility. Ms. Kuchynka noted the establishment is considerably larger than Game Pazzo.

Chairman Strelau asked that the layout be displayed on the projector. Mr. Sheth stated that the site will be more than just the Game Pazzo site. He stated that he has taken over 2011-2035 63<sup>rd</sup> and has combined the spaces. He stated that the space is about 23,350 square feet in size. He stated that Magic Quest had put the laser tag area in place.

Ms. Toerpe asked what their clientele demographic will be. Mr. Sheth replied toddlers through adults. He stated that he plans to have the largest indoor play structure in the area. He stated there will be a 3-story jungle gym which is roughly 18,000-19,000 square feet.

Ms. Toerpe noted that their biggest challenge will be parents drinking beer in the facility and wondered how it was going to be controlled. Mr. Sheth replied that sales will be made from the restaurant area and they will try to restrict those that are drinking to that area and in the private party rooms. He stated that food and drinks will not be allowed in arcade, bumper car, laser tag jungle gym or XD theater areas. He stated that signs will be posted throughout and gaming operators will be instructed to ask them to return to the restaurant area.

Mr. Sheth referred to the layout of the establishment. He stated that the gaming area is segregated and far from the restaurant. The group reviewed the layout.

Ms. Toerpe asked what an XD Theater is. Mr. Sheth replied it is a 4-8 seat ride. He stated that riders put on 3D glasses and watch a "movie" on the screen. He stated that with XD, you feel movements, smells, etc. in addition to sights and sounds.

Ms. Kuchynka stated that in a majority of the areas, liquor is not going to be allowed and limited to the restaurant, private party rooms and designated seating areas. Mr. Sheth noted that all areas of the facility will have security cameras.

Chairman Strelau asked Mr. Sheth how many employees he plans to have. Mr. Sheth replied that he will hire a general manager, kitchen manager, games manger, service manager, event coordinator, and birthday party coordinator. He stated that there will be a ride operator present at each attraction. He stated that there will always be a cashier at the redemption area and 3-4 cashiers throughout. He anticipated having 15-20 employees.

Chairman Strelau asked how alcohol will be served. Mr. Sheth replied that patrons can get beer and wine from the restaurant area. He stated that when a food order is placed the customer will get a number and post that on their table and staff will bring out when ready.

Mr. Sheth stated that there will be two counters from which patrons can order food and beverages. He stated that staff will request ID of anyone appearing under the age of 40. He stated that they will not accept the vertical ID. He stated that all servers will be 21 and over. He stated that beer and wine can either be ordered and obtained at the counter or a server will bring it out to the table.

Chairman Strelau asked if the restaurant was separated by a physical barrier from the rest of the facility. Mr. Sheth replied there are no physical barriers, per se that will stop customers from going out of the area. He stated that they will post signage that food and beverages are not to leave the restaurant area.

Chairman Strelau asked how they plan to serve food and beverages in the party rooms. Mr. Sheth replied that alcohol will be available in those rooms if the event caters to adults. He stated that they do not plan on serving beer and wine for events with kids, i.e. birthday parties.

Chairman Strelau asked if he plans to have portable bars in those rooms to accommodate the private events. Mr. Sheth replied that they will have to go to the restaurant.

Chairman Strelau expressed concern on how patrons will be able to walk back and forth from the party room to the restaurant to get beverages. She was mostly concerned that they could end up walking around the facility with liquor. Mr. Sheth replied the party rooms are relatively close to the restaurant area and staff will be monitoring and advising patrons that food and beverages are not allowed throughout the facility. He stated that they will also make it clear to the host of the party about their rules. He added that ride operators will also advise patrons that alcohol is not to be carried throughout the facility. Ms. Kuchynka stated that it might be helpful to have a dedicated server to the party room area if the patron wants to have a private party with liquor. Mr. Sheth stated that when the event coordinator books the room for the event, the customer will be asked what beverages will be served.

Chairman Strelau noted that there are a lot of moving pieces in the facility and appreciated that Mr. Sheth gave a good deal of thought to his operation. She stated this is a big undertaking and he will need to be diligent as many things can go wrong in this type and size of facility. She added that staff should fully understand how serious management is about liquor sales.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, receipt of the annual fee, Certificate of Occupancy, liquor liability insurance and receipt of employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "REC-2" liquor license application.

**MR. KRUSENOSKI MOVED TO FIND SAACHI VENTURES, INC. D/B/A FUN ZONE LOCATED AT 2011 W. 63RD STREET, QUALIFIED FOR A CLASS "REC-2", BEER AND WINE, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. TOERPE SECONDED.**

**VOTE:**       **Aye:**           Mr. Krusenoski, Ms. Toerpe, Ms. Flanagan, Mr. Jacobson, Ms. Pietrucha, Chairman Strelau

**Nay:**             None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

**V.       NEW BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka advised that Tivoli Theater has submitted a request for an amendment to their existing Class "T" theater classification to permit liquor service during regularly scheduled movies. She stated that the current license limits liquor service to contracted theater rentals and productions/box office events. She stated that Mr. Johnson has agreed to offer additional food items in addition to concessions in order to have full time liquor service at the theater.

Ms. Kuchynka stated that a draft ordinance has been prepared by staff. She stated that staff researched other communities and what is allowed at similar facilities. She stated that liquor service will be allowed during the time the theater is in operation on the condition that food/concessions are available. She stated that only one drink will be allowed per person as there is not "table service" inside the theater. She stated that the bartenders need to see who they are selling to/serving and to be sure that someone of age does not share a drink with a minor. She asked for discussion by the licensee and commission.

Mr. Willis Johnson introduced himself and Ms. Linda Smith as manager of the Tivoli Theater. Mr. Johnson stated that the Tivoli has held a license for 16 years. He stated that there have been no violations at the facility. He stated that the industry is changing and that theaters are offering liquor during movies. He stated that they are currently licensed to serve alcohol at events and would like to be allowed the flexibility to offer liquor during regularly scheduled movies.

Mr. Johnson stated that during the original request submittal, he was advised that additional food service would be required. He stated that they have added nachos and pretzel bites with cheese and hot dogs in addition to their concessions.

Ms. Kuchynka noted that the original classification allows for portable bars. She stated that the amendment allows a more permanent bar, however, shall be a service bar only with no seats.

Chairman Strelau asked for comments from the Commission.

Ms. Toerpe stated that she understood why they were seeking the license in order to be competitive with other theaters. She stated that they have both challenges and advantages. She stated that a challenge is their staff is very young and they will have to hire bartenders that are over 21. Mr. Johnson stated that they have staff over 21, all of which will be BASSET certified. Ms. Smith stated that she is aware that they will need to add more staff over 21. Mr. Johnson noted that there is staff at other theaters and the

bowling alley. Ms. Smith stated that they have over 21 employees at the main office that are certified and can also step up to help.

Mr. Jacobson stated he was surprised this was not done sooner. He stated that the Tivoli has added a lot of value to the Village and he was looking forward to the change.

Mr. Krusenoski stated that they will need a lot of staff once alcohol is available. He asked Mr. Johnson if they serve alcohol in any of their other Classic Cinemas. Mr. Johnson replied no.

Mr. Krusenoski stated that there is a concession area and asked where customers would get a drink. Mr. Johnson stated that they currently use two portable bars that were moved out of sight during regularly scheduled movies. Mr. Krusenoski asked if they will still use the portable bars but make them more permanent in nature. Mr. Johnson replied yes. Mr. Johnson noted that there is some development being done at the facility. He stated that it will be their ultimate goal to have a "permanent" bar and supplement that with the portable bars when they know they will be having a larger event.

Mr. Krusenoski asked if they ever considered supplementing their food service with slices of pizza from Auriello's. Mr. Johnson replied that one challenge of food service in a theater is odors. He stated that not everyone wants to smell pizza and stated that the other items have relatively little or no odor. Ms. Smith also noted cleanup issues.

Ms. Pietrucha stated that she liked the use of a service bar versus a portable bar. She stated that she felt this was a step in the right direction.

Ms. Flanagan had no questions.

Chairman Strelau asked if there is a limit to the number of service bars that can be in the location. Ms. Kuchynka replied no. She stated that they currently have two portable bars. Chairman Strelau stated that there should be a limit to the number of portable bars in the facility. Ms. Kuchynka agreed in that some licensees have run afoul with the number of beer tubs and bars popping up throughout facilities.

Chairman Strelau stated that this is reasonable and was happy that the Tivoli approached the Commissioner. She recalled that this was a highly debated notion when they first came before the Commission to serve liquor at contracted events and theater rentals. She stated that it is not as radical of a notion these days. She stated that they have been a good steward concerning their license.

Chairman Strelau asked for a recommendation from the Commission concerning the Tivoli request for an amendment to the liquor control ordinance concerning theater activities.

Mr. Johnson stated that staff shared a copy of the draft ordinance and he stated that he had a few comments concerning the draft. He asked whether "movie" could be changed to "event" in the first paragraph and noted that they do offer things in addition to movies. He also asked for changes to Section 3.33, where obscenity is concerned. He stated that they have no control over what Hollywood produces and asked if the draft could be amended to address some R-rated movies. Ms. Kuchynka asked Mr. Johnson if he would be agreeable to let staff amend the provision further to allow for certain activities, while keeping the events appropriate less X-rated movies.

Mr. Jacobson referred to Section 3.33(c)(1). and stated that community standards differ when considering "obscene" things. Chairman Strelau felt that staff could adequately address the issue.

**MS. TOERPE RECOMMENDED THAT THE THEATER LICENSE AMENDMENT BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.**

**VOTE:**       **Aye:**           Ms. Toerpe, Mr. Jacobson, Ms. Flanagan, Mr. Krusenoski, Ms. Pietrucha, Chairman Strelau

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

Ms. Kuchynka excused herself and turned the meeting over to Ms. Didier.

**VI.     OLD BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Didier stated that the Commission received the month end report. She advised that Karma appealed the Mayor's Findings & Order for revocation of the liquor license with the Illinois Liquor Control Commission. Ms. Pietrucha noted that they did not even show up to the hearing to defend themselves.

Chairman Strelau asked what the appeal process is. Ms. Didier stated that the licensee will file a Memorandum of Law as to why they think the Mayor's decision should be overturned. She stated that the appeal is only on the record, so there will be no testimony from either side. Ms. Didier stated that the ILCC will look at the transcript. Ms. Pietrucha asked if they will be allowed to present additional evidence. Ms. Didier replied no. Mr. Jacobson asked if their argument was that they were not allowed due process. Ms. Didier replied no, she stated that they chose not to show up. Mr. Jacobson asked who was the representing attorneys. Ms. Didier replied Siegel, Moses.

**VII.    COMMENTS FROM THE PUBLIC**

There were none.

**VIII.   ADJOURNMENT**

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Ms. Toerpe moved to adjourn the December 7, 2017 meeting. The meeting was adjourned by acclamation at 7:37 p.m.