

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, April 9, 2015

I. CALL TO ORDER

Staff called the April 9, 2015 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Fregeau, Mr. Jacobson, Ms. King, Mr. Krusenoski

ABSENT: Mr. Austin, Mr. Clary, Chairman Strelau

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

OTHERS: Robert Butterfield, Susan Lutz, Mukund Patel, Dakshesh Patel, Jay Nagy, Nick Nagy, David Yob, Mark Hedrick, Court Reporter

III. APPOINTMENT OF CHAIRMAN PRO TEM

In the absence of Chairman Strelau, staff requested a motion to appoint a Chairman Pro Tem for the meeting.

MS. FREGEAU MOVED TO APPOINT MR. KRUSENOSKI TO ACT AS CHAIRMAN PRO TEM FOR THE APRIL 9, 2015 LIQUOR COMMISSION MEETING. MR. JACOBSON SECONDED.

VOTE: **Aye:** Ms. Fregeau, Mr. Jacobson, Ms. King, Mr. Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0

Motion Carried.

IV. APPROVAL OF MINUTES

Chairman Pro Tem Krusenoski asked for approval of the minutes for the February 5, 2015 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, the February 5, 2015 minutes of the Liquor Commission meeting were approved as written.

Chairman Pro Tem Krusenoski 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.

V. REQUEST FOR CHANGE IN FLOOR PLAN/OPERATION

Chairman Pro Tem Krusenoski made the following statements:

"The next order of business is to conduct a public hearing for a request of floor plan change and change in focus of operation. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of such requests. We may at the end of each hearing, make a finding or recommendation or may adjourn the 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 render final decisions regarding the requests."

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

Jay Maharaj Corporation d/b/a Stop 24

Chairman Pro Tem Krusenoski stated that the next order of business was a hearing for Jay Maharaj Corporation d/b/a Stop 24, located at 6400 B Woodward Avenue. He stated that the licensee is seeking a floor plan change and change in the focus of operation for their existing Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Pro Tem Krusenoski asked that any individual(s) representing the applicant to step forward and be seated. He 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. Mukund Patel and Mr. Dakshesh Patel were sworn in by the court reporter. Mr. Dakshesh Patel introduced himself as the president of Stop 24. Mr. Mukund Patel introduced himself as the vice president of Stop 24.

Chairman Pro Tem Krusenoski asked the licensee to explain their request for change in operation and floor plan. Mr. Dakshesh Patel stated that they are currently operating as a convenience store with a liquor license. He stated that convenience store sales have become sluggish and felt that operating as a liquor store would better to operate.

Chairman Pro Tem Krusenoski asked for comments from the Commission.

Ms. King welcomed them and thanked them for continuing their business in Downers Grove. She stated that they have a good control buy record and have asked if they have operated it since then. Mr. Mukund Patel stated that they took over and have been operating since 1992. She asked how they have been so successful in passing tests. Mr. Mukund Patel replied that they ask for identification and scan them on a machine they have. He stated that they stay on top of employees. Ms. King asked if they accept the vertical license. Mr. Mukund Patel replied yes.

Ms. King asked if they can scan a vertical license. Mr. Mukund Patel stated that the machine does scan the vertical license.

Ms. King asked about the current and proposed floor plan. Mr. Dakshesh Patel replied that the liquor selling area will increase 50%. Ms. King asked about the perimeters of the liquor store license.

Ms. Kuchynka stated that the convenience store operation limits the alcohol sales area to 25% of the floor space. She stated that the liquor sales areas will significantly increase. She noted the cooler doors will be stocked with beer and additional set of cooler doors will have craft brews. She stated that they will have a wine section. She stated that there are also shelving units being converted to liquor.

Ms. Kuchynka stated that there currently is hard liquor behind the counter. She stated that the counter area will be moved to the opposite side of the store and more hard alcohol will be placed out on the shelving units.

Ms. Kuchynka noted that Stop 24 was originally issued a convenience store license with beer and wine sales. She stated that they subsequently obtained additional space and were upgraded to a full off-premise license for a convenience store. She stated that they project liquor sales to be in excess of 50% or the primary business with this floor plan change which will require approval for them to operate as a liquor store in lieu of a convenience store. She stated that she will need both approval of the new floor plan and approval of the change in the focus of the operation.

Ms. Fregeau thanked them for expanding their business. She referred to their floor plan and liked the new layout as it appears they will have a better visual of the alcohol area. She asked if they can see out of the office. Mr. Mukund Patel replied they will be able to see out of the glass.

Ms. Fregeau noted that they have passed control buys for the past 17 years. She noted that liquor sales will triple with this change and that it will require additional attention being made to alcohol sales.

Ms. Fregeau asked about the number of employees and the training they receive. Mr. Mukund Patel replied that there are two other employees. He stated that he works 12 hours a day, 7 days a week at the store and he will still serve as the liquor manager. Ms. Fregeau asked if both employees were certified. Mr. Mukund Patel replied yes.

Ms. Fregeau asked how they handle out of state identification and fake identification. Mr. Mukund Patel replied they have the identification book to check id's. He added that the scanner also reads the bar code on the identification to check its validity. Ms. Fregeau asked if the ID checking guide is at the checkout area. Mr. Mukund Patel replied yes. Ms. Fregeau liked the manual. She asked if they made a lot of changes from their previous manual. Mr. Mukund Patel replied that they updated it.

Ms. Fregeau stated that the manual refers to a liquor tape employees view. Mr. Mukund Patel stated that they used to train using a tape but now it is a software on their POS system. Ms. Fregeau mentioned they may want to update the manual. Ms. Fregeau asked about the content of the liquor tape. Mr. Mukund stated that before the POS system they had a tape.

Ms. Fregeau stated that they do not have a number of employees but it is up to the management to set the tone and tenor of the establishment. She encouraged them to keep up with their training.

Mr. Jacobson stated that he understood the slump in the convenience item sales. He stated that they have not failed a control buy in a number of years. He encouraged them to remain diligent and wished them success.

Ms. Fregeau stated that the ordinance allows them to conduct tastings and ask if they would do so. Mr. Mukund Patel replied no.

Chairman Pro Tem Krusenoski asked how long the two employees have been with Stop 24. Mr. Mukund Patel replied one has been with the store since 1991 and the other has been with the store more than 10 years.

Chairman Pro Tem Krusenoski appreciated their dedication as a long time license holder and cautioned them to remain diligent and make sure each alcohol transaction occurs properly. He did not have any issues with the floor plan change. He stated that the best scanning systems will not help if the employees sell to a minor. He stated that their long term employees seem to understand the culture. He stated that the store will go to an almost all liquor sale format. He encouraged them to make sure alcohol sales continue properly.

Chairman Pro Tem Krusenoski asked if there were any comments from staff pertinent to the requests. Ms. Kuchynka replied that they will be required to obtain a building permit for the remodel. She stated that Health Department approval may be required if they make any changes to food items at the store. She noted that the Certificate of Occupancy would remain the same.

Chairman Pro Tem Krusenoski asked if there were any comments from the public. There were none.

Hearing the testimony given in this case, Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its recommendation of "approval" or "denial" with respect to their request for floor plan change.

MR. JACOBSON MOVED TO RECOMMEND TO APPROVE THE FLOOR PLAN CHANGE REQUEST OF JAY MAHARAJ CORPORATION D/B/A STOP 24, LOCATED AT 6400 B WOODWARD AVENUE. MS. KING SECONDED.

VOTE: **Aye:** Mr. Jacobson, Ms. King, Ms. Fregeau, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0
Motion carried.

Hearing the testimony given in this case, Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its recommendation of "approval" or "denial" with respect to their request for change in focus of operation.

MS. FREGEAU MOVED TO RECOMMEND TO APPROVE THE CHANGE IN FOCUS OF OPERATION REQUEST OF JAY MAHARAJ CORPORATION D/B/A STOP 24, LOCATED AT 6400 B WOODWARD AVENUE. MS. KING SECONDED.

VOTE: **Aye:** Ms. Fregeau, Ms. King, Mr. Jacobson, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0
Motion carried.

VI. APPLICATION FOR LIQUOR LICENSE

Chairman Pro Tem Krusenoski made the following statements:

"The next order of business is to conduct public hearings 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 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) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

994 Warren, LLC d/b/a RBK

Chairman Pro Tem Krusenoski stated that the next order of business was an application hearing for 994 Warren, LLC d/b/a RBK, located at 994 Warren Avenue. He stated that the applicant is seeking a Class R-1, full alcohol, on-premise consumption liquor license and a Class O, outdoor liquor license.

Chairman Pro Tem Krusenoski asked that any individual(s) representing the applicant to step forward and be seated. He 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. Sarah Lutz and Mr. Robert Butterfield were sworn in by the court reporter. Ms. Lutz introduced herself as the liquor manager and owner of RBK and Mr. Butterfield introduced himself as the consultant for RBK.

Chairman Pro Tem Krusenoski asked the applicant to explain their request for liquor license. Ms. Lutz stated that she would like to open a welcoming restaurant in the former Scarletti's location.

Chairman Pro Tem Krusenoski asked about their previous experience. Ms. Lutz replied that she has worked at Ballydoyle and has managed a number of restaurants in the City of Chicago for Robert. She stated that she currently works as a part-time event planner.

Ms. Lutz stated that she is a life long resident of Downers Grove and noted that she is part of the McCollum family. She stated that she and her family have always been fond of Downers Grove and are focused on what is best for the community. She stated that they have a deep respect for community and wanted this restaurant to be a great neighborhood place to go.

Chairman Pro Tem Krusenoski asked for comments from the Commission.

Mr. Jacobson was pleased to hear that Ms. Lutz is so passionate about Downers Grove. He asked Ms. Lutz if she has experience starting and running a restaurant business. Ms. Lutz replied that she has helped Robert open a few restaurants in the past. She stated that he will remain active as a consultant for the establishment. She stated that he will make certain everything is in order and help train the staff. She stated that she felt confident but this endeavor will involve a bit more logistics.

Mr. Jacobson asked how many employees they plan to hire. Mr. Butterfield replied about fifteen front and back end staff with a few more added in the summer to serve the patio.

Mr. Jacobson asked if all servers will be BASSETT certified. Mr. Butterfield replied yes and noted that anyone serving liquor will be 21 years of age and older.

Mr. Jacobson asked Mr. Butterfield about his liquor handling experience. Mr. Butterfield replied that he has 30 years of experience in the restaurant business, has worked for the Four Seasons Hotel and a number of Lettuce Entertain You establishments. He stated that he has consulted on 60 projects and has helped open 47 restaurants. He stated he is well versed in all aspects of restaurant operations. Mr. Butterfield noted that Ms. Lutz's best friend and he will be active in helping her with the business.

Ms. Fregeau thanked them for their commitment to Downers Grove. She stated that the manual looks good and noted the challenges with the vertical under 21 identification. Ms. Lutz noted that they will not accept the vertical license.

Ms. Fregeau suggested that they address adults sharing drinks with minors in their policy manual. She also suggested that they consider immediate termination if an employee is involved in liquor sales to minors.

Ms. Fregeau asked about the outdoor patio and if there were any changes from the prior operation. Ms. Lutz replied that they plan to add grass foliage to the Main Street patio area. She also noted that the Main Street patio is fenced, off the sidewalk and up a flight of stairs. Ms. Lutz replied that there is an existing wrought iron fence surrounding the Warren Avenue patio. She stated that they plan to hang flower boxes on the railings on that fencing.

Ms. Fregeau stated that she liked the drink list and noted that the menu looked good but noted that the menus did not have pricing.

Ms. Fregeau asked if they anticipated any challenges. Ms. Lutz stated that they have heard that businesses do not do very well at the location. She felt that they will have a good product and customers will keep wanting to come back. She stated that Downers Grove can use a nice place to go. She felt the location was good.

Ms. Fregeau asked them to address liquor service at their regular staff meetings. Ms. Lutz stated that they will not be focusing on the bar aspect of the establishment. Ms. Lutz added that their main focus will be food and will not be a place to go to just drink.

Ms. King was excited that the location was re-opening. She wondered what the detriment to their success at that location was and wondered if parking was an issue. Chairman Pro Tem Krusenoski recalled that the previous owners wanted to spend more time with their family. Ms. Lutz did speak with the previous owners who advised that the restaurant was taking too much of their time. Mr. Butterfield also believed that the prior owners left to spend more time with the family.

Ms. King asked about the menu. Mr. Butterfield replied it will neither be too formal or too casual of a dining establishment, but will feature high quality steaks and fish at about \$20 per person.

Ms. King asked when they planned to open. Ms. Lutz replied the first week of May.

Mr. Butterfield stated that he likes the space, as it is not too big or too small. He noted it is the first thing commuters see when getting off the train in town.

Ms. King noted the penalty to servers and that negative reinforcement should be stressed to the servers. Ms. Lutz replied that she liked the penalties issued by the Village.

Chairman Pro Tem Krusenoski stated that their manual was good. He suggested that they continue to take advantage of Village staff when they can.

Chairman Pro Tem Krusenoski stated that he frequented Scarletti's often and noted that the outdoor patio setup was more than adequate in terms of the enclosure.

Chairman Pro Tem Krusenoski stated that their focus is on the food but advised them not to get tripped up on liquor service. He stated that it could be an expensive mistake if they are involved in a liquor violation.

Chairman Pro Tem Krusenoski stated that he has attended a number of violation hearings and has never heard an adequate excuse as to why someone served the Village's minor, especially with the vertical license. He stated that the owners set the culture for employees in the work environment. He stated that they need to create a culture in which it is never ok to sell to a minor or not card anyone that clearly looks underage.

Chairman Pro Tem Krusenoski asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that the license is contingent upon receipt of satisfactory background checks, the annual fee, a Certificate of Occupancy, dram shop insurance, a finalized menu, server certifications and temporary use approval for the outdoor café.

Chairman Pro Tem Krusenoski asked if there were any comments from the public. There were none.

Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to the Class "R-1" liquor license application.

MS. KING MOVED TO FIND 994 WARREN, LLC D/B/A RBK, LOCATED AT 994 WARREN AVENUE, QUALIFIED FOR A CLASS R-1, FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. FREGEAU SECONDED.

VOTE: **Aye:** Ms. King, Ms. Fregeau, Mr. Jacobson, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0

Motion carried.

Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to the Class "O" outdoor liquor license application.

MR. JACOBSON MOVED TO FIND 994 WARREN, LLC D/B/A RBK, LOCATED AT 994 WARREN AVENUE, QUALIFIED FOR A CLASS O, OUTDOOR LIQUOR LICENSE. MS. KING SECONDED.

VOTE: **Aye:** Mr. Jacobson, Ms. King, Ms. Fregeau, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0

Motion carried.

The Don, LLC d/b/a Next Round

Chairman Pro Tem Krusenoski stated that the next order of business was an application hearing for The Don, LLC d/b/a Next Round, located at 500 W. 75th Street. He stated that the applicant is seeking a Class R-1, full alcohol, on-premise consumption liquor license.

Chairman Pro Tem Krusenoski asked that any individual(s) representing the applicant to step forward and be seated. He 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. Jay Nagy and Mr. Nick Nagy were sworn in by the court reporter. Nick Nagy introduced himself as a member of the corporation and Jay Nagy introduced himself as a member of the corporation.

Chairman Pro Tem Krusenoski asked the applicant to explain their request for liquor license.

Nick Nagy stated that they are planning to open their third restaurant at the former La Playa restaurant location. He stated that they will have high quality food with a similar atmosphere to Roundheads and Another Round. He stated that they will focus on craft food and craft beers.

Chairman Pro Tem Krusenoski asked for comments from the Commission.

Ms. King stated that the manual was awesome. Chairman Pro Tem asked if they had help from staff. Ms. Kuchynka noted that the manual was all their doing and noted it was one of the best manuals she has seen.

Ms. King was familiar with their other operations and had no questions.

Ms. King asked how long the establishment has been empty. Ms. Kuchynka replied just about a year.

Ms. Fregeau also noted that is it one of the best manuals she has seen. She stated that they have an exemplary record for the 20 years they have been operating restaurants in Downers Grove. She stated that she liked their practices to validate id's. She noted that they do accept the vertical identifications, but was confident they can accurately check them based on their 20+ years of success with the control buy attempts.

Ms. Fregeau stated that another big challenge can be over service. She was pleased that their manual takes a team approach.

Mr. Jacobson was looking forward to their new establishment. He stated that their manual is important and it is obvious that they implement their policies. He stated their success is indicative of their control buy history.

Ms. Fregeau asked what they have found to be their biggest challenge from their experience with operating the establishments. Nick Nagy replied that communication is key. He stated that staff training is important and it is important that staff communicate with management about what is and what is not working. He stated that once communication is lost, problems arise. Nick stated that before shifts they remind employees to card anyone under 40 and constantly remind them to check identification. Jay added that once they are aware of how much it may cost to be involved in a violation they get concerned. Nick stated that it hurts if it hits their pocketbook.

Ms. Fregeau asked if they keep an out-of-state identification guide. Nick replied yes. He stated that if they have any questions about an identification, they refuse to accept them. He stated that they back their staff and listen to them if they are not comfortable serving someone.

Chairman Pro Tem Krusenoski noted that they card 40 and under. Nick Nagy replied yes.

Chairman Pro Tem Krusenoski stated that they were long time residents and restaurant owners who have successfully served alcohol without incident for a number of years. He stated that is something they should be proud of.

Chairman Pro Tem Krusenoski stated that the manual was awesome and stated that their track record has been perfect. He was very pleased that they were opening another establishment in town.

Chairman Pro Tem Krusenoski asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that the license is contingent upon receipt of satisfactory background checks, the annual fee, a Certificate of Occupancy, dram shop insurance, a finalized menu and server certifications.

Chairman Pro Tem Krusenoski asked if there were any comments from the public. There were none.

Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its finding of “qualified” or “not qualified” with respect to the applicant with regard to the Class “R-1” liquor license application.

MS. KING MOVED TO FIND THE DON, LLC D/B/A NEXT ROUND LOCATED AT 500 W. 75TH STREET, QUALIFIED FOR A CLASS R-1, FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. FREGEAU SECONDED.

VOTE: **Aye:** Ms. King, Ms. Fregeau, Mr. Jacobson, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0

Motion carried.

Chairman Pro Tem Krusenoski asked the Nagy’s when their anticipated opening date. They replied the beginning of June.

Mad Ape, LLC d/b/a Alter Brewing Company

Chairman Pro Tem Krusenoski stated that the next order of business was an application hearing for Mad Ape, LLC d/b/a Alter Brewing Company, located at 2300 Wisconsin Avenue. He stated that the applicant is seeking a Class BF, brewing facility, on and off-premise consumption license.

Chairman Pro Tem Krusenoski asked that any individual(s) representing the applicant to step forward and be seated. He 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. David Yob and Mr. Mark Hedrick were sworn in by the court reporter. Mr. Yob introduced himself as the president and member-manager of the corporation and Mr. Hedrick introduced himself as the head brewer and partial owner of the corporation.

Chairman Pro Tem Krusenoski asked the applicant to explain their request for liquor license.

Mr. Yob explained that the brew facility will be located in units 210-212 of the 2300 Wisconsin site which is located in the Ellsworth Industrial Park. He stated that they have searched for a location since November of 2013. He stated that Downers Grove is a central location for the three partners and they wanted to remain in its proximity. He stated that the site will allow for a production facility and tasting room. He stated that they have been sourcing for the build out and equipment since April. He anticipated an August opening.

Chairman Pro Tem Krusenoski asked for comments from the Commission.

Mr. Jacobson appreciated them choosing Downers Grove. The Commission noted that the original location was on Janes. He stated that the manual was quite detailed and he looked forward to its opening. He asked if there have been any changes as to how they plan to distribute and handle liquor since they were before the Commission in order to create the brewing facility license.

Ms. Fregeau welcomed them back and thanked them for their commitment to Downers Grove. She stated that the brewing facility was an exciting concept.

Ms. Fregeau noted she was one of the Commission members not in favor of those underage being allowed in tours. She noted that there is a lot of responsibility on them as only alcohol is being served. She noted her only concern that this was the only liquor license classification that does not have a food service requirement. She asked if they would provide any snacks or have anything non-alcohol related. Mr. Hedrick replied that they will be producing craft sodas. Mr. Yob stated that they have an incentive to sell alcohol, but their true incentive and long term plan is to distribute and get their product in the market. He noted other jurisdictions and communities that allow brewing facilities which have a cap on the number of ounces a patron can have. He noted that they are limited to serving someone 48 ounces of beer in a 24 hour period. He stated that limitation, along with BASSETT training guidelines will be the boundaries of over serving someone. He stated that they would like to offer food in the tasting room and would allow food to be brought in. He stated that they would like a food component, but cannot and do not want to produce it on the premises.

Ms. Fregeau asked if they plan to have any snacks available. Mr. Hedrick noted that if any patron exhibits signs of intoxication they will be cut off. He stated that they could serve pretzels and snacks. He stated that they plan to reach out to local establishments and will have a book that will have menus in it from restaurants who are willing to deliver food to the location. Mr. Hedrick stated that food trucks are not allowed in Downers Grove but they have been communicating with the Food Truck Guild of Illinois to see if they can lobby the Village to bring them in.

Mr. Yob stated that they do not see the location as a bar, but it will be a tasting room, where they will serve the beer they make on the premises to taste. He stated the focus will be on representing the product. He stated that they will sell on-site and will risk too much by serving to under age or those who become intoxicated.

Ms. Fregeau asked them to explain consumption during the tours. Mr. Yob stated that the brewing/production area is an open area. He stated that when done with the tour, participants will go to the tasting room where they can sample the product. He stated that nobody under 21 will be allowed to consume alcohol. Mr. Hedrick noted that under 21 year olds can attend the tours, just not participate in the classes/seminars.

Ms. Fregeau asked if under 21 year olds will be allowed in the tasting room. Mr. Hedrick replied yes. He stated that anyone under 21 will need to be accompanied by an adult.

Ms. Fregeau liked that they will not accept the vertical identification and that they will verify the authenticity of the identification.

Ms. King stated that she was not present for the hearing where the draft license classification was discussed. She asked if people need to make an appointment to come in. Mr. Yob replied that they will be open to the general public. He stated that they will have set hours for tours. He stated that they will be busy with production and the retail component of the operation. He stated that they do not plan to be open past 11 pm on the weekends.

Chairman Pro Tem Krusenoski stated that he liked the manual. He recalled that the original focus of the operation was bulk brewing for area restaurants, distribution and retail. He asked if that was still the main focus of the business. Mr. Yob replied yes. He stated that they are looking to 10-15,000 barrels of production. He stated that they intend to generate a bulk of their revenue from distribution.

Chairman Pro Tem Krusenoski asked about retail sales. Mr. Yob replied that they will produce and sell tap beer produced on-premises and self distribute for a number of months with growlers, kegs and bottles.

Chairman Pro Tem Krusenoski was pleased that they chose Downers Grove and that the Village was able to accommodate their request.

Chairman Pro Tem Krusenoski stated that they sat through many meetings. He stated that their focus is the bulk production of beer. He stated that the last thing they want to do is serve someone underage in the tasting room, as it will be a fraction of their revenue. He stated that the manual placed a lot of focus on training and making certain that staff understand the importance of not serving someone underage.

Chairman Pro Tem Krusenoski stated that they anticipated an August opening. Mr. Yob replied they are hoping but have had a few set backs with contractors.

Chairman Pro Tem Krusenoski asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that the license is contingent upon receipt of satisfactory background checks, annual fee, Certificate of Occupancy, dram shop insurance and employee certifications.

Chairman Pro Tem Krusenoski asked if there were any comments from the public. There were none.

Chairman Pro Tem Krusenoski asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to the Class "BF" liquor license application.

MS. FREGEAU MOVED TO FIND MAD APE, LLC D/B/A ALTER BREWING COMPANY LOCATED AT 2300 WISCONSIN AVENUE, QUALIFIED FOR A CLASS BF, BREWING FACILITY, ON AND OFF-PREMISE CONSUMPTION LICENSE. MR. JACOBSON SECONDED.

VOTE: **Aye:** Ms. Fregeau, Mr. Jacobson, Ms. King, Chairman Pro Tem Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0

Motion carried.

VII. OLD BUSINESS

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

Ms. Kuchynka stated that the Village issued a license to Gong Ho. She stated that Cork Wine & Spirits had opened. She advised that there was a small change to the floor plan submitted to the Commission and provided them with a copy in the month end report. She noted that the changes were approved by the Mayor administratively.

Ms. Kuchynka informed the Commission of the recent airing of Restaurant Impossible featuring The Lemon Tree Grocer.

Ms. Kuchynka stated that she left an amendment to the BYOB license classification. Chairman Pro Tem Krusenoski asked if an amendment was requested. Ms. Kuchynka replied yes. She stated a potential licensee requested an amendment to require food service but to amend the definition to allow food to be brought on the premises in lieu of a kitchen and the on-site preparation of food being required. She stated that the location would operate like a café, where some items will be pre-made and brought in, while some other dishes are assembled and heated on the premises. She stated that food service is a requirement, but adequate kitchen facilities to prepare meals on the premises is not a requirement. She stated that the Village hopes with the amendment that it may attract BYOB licensees to the Village. Chairman Pro Tem Krusenoski stated that with this change, the Village will be indifferent as to how the food arrives on the premises. Ms. Kuchynka noted that a menu will need to be provided at application.

Mr. Jacobson asked if the food to liquor ratio will be affected. Chairman Pro Tem Krusenoski noted that this change is to allow licensees to operate without producing the food on-site. Mr. Jacobson noted the BYOB sales will not have a liquor ratio as there are no "sales".

Ms. Kuchynka advised the Commission that she will be preparing the liquor license renewals in May.

VIII. NEW BUSINESS

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

Ms. Kuchynka stated there will be a May meeting as she received an application from Downers Sand Club seeking a recreation facility license. She noted that they have been in operation for a number of months offering indoor volleyball without food or liquor service.

Chairman Pro Tem Krusenoski asked what would be required to eliminate the restriction of liquor advertising on patio umbrellas. Ms. Kuchynka replied a text amendment to the code.

Ms. Kuchynka noted an issue concerning outdoor cafes regarding enclosures not made of durable materials. Chairman Pro Tem Krusenoski asked what licensees are using as non-durable materials. Ms. Kuchynka replied that stanchions and rope are being utilized by a few licensees. She stated that the recent storms and staff concern for the public safety as the lightweight materials may be easily strewn about and can potentially cause injury.

Ms. Kuchynka stated that outdoor liquor service requires that a café area be enclosed. She added that cafes located on public or private property which do not serve liquor do not have an enclosure requirement. She stated that if the café is located on Village owned property, a Temporary Use license agreement is required for the use of the public property and the Village requires the fencing to be made of durable material. However, under a Temporary Use permit, the Village cannot require that such fencing materials be utilized for cafés that serve liquor on private property.

Ms. Didier stated that the Temporary Use permitting refers to Chapter 3 café operations. She stated that the liquor code simply states that “*reasonable* fencing” is required. Ms. Kuchynka stated that Village license agreements have language that requires that “...fencing material be made of wrought iron or like material heavy enough to prevent being effected by weather conditions”. She stated there are no standards for what materials are to be used if the license is on private property.

Ms. Kuchynka stated that staff would discuss the fencing and umbrella issues with the Village Attorney, and based upon further direction, discuss with the Commission at a future meeting.

Ms. Kuchynka stated that liquor product advertising had been banned from patio umbrellas at the same time restrictions were put in place banning neon advertisements in windows. She stated that the Village did not want licensees to advertise the “bar” aspect of their establishment as the primary business is a restaurant. Ms. Fregeau asked if the State allows liquor product advertising, Ms. Kuchynka replied yes. She noted that the Village does not regulate the product advertising at liquor stores or grocery stores, however, they are limited on the amount of the signage per the Sign Ordinance. Ms. Kuchynka noted that the Village does not regulate signage in the establishments. Chairman Pro Tem Krusenoski noted that the banning of advertisements on umbrellas seems to be archaic. He noted that they are not as gaudy as neon signs in windows. Ms. Fregeau did not believe it was offensive to have advertising on umbrellas.

IX. COMMENTS FROM THE PUBLIC

There were none.

X. ADJOURNMENT

Concluding business for the evening, Chairman Pro Tem Krusenoski called for a motion to adjourn.

Ms. Fregeau moved to adjourn the April 9, 2015 meeting. The meeting was adjourned by acclamation at 8:00 p.m.

APPROVED 5/4/15

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

APRIL 6, 2015, 7:00 P.M.

Chairperson Urban called the April 6, 2015 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairperson Urban, Mr. Bassler, Mr. Cozzo, Matejczyk, Mrs. Rabatah, Mr. Rickard
Mr. Webster

ABSENT: Mr. Quirk (ex-officios Davenport, Menninga, Souter)

STAFF: Planning Manager Stan Popovich and Village Planner Kelley Chrisse

VISITORS: Ms. Jackie Terpestra, 3450 Saratoga, Downers Grove; Ms. Dorothy Lalla, 3441 Hickory Ct., Downers Grove; Mr. Jeff Burger, 3451 Hickory Court, Downers Grove; Maria and Tim Trusbutch, 3431 Hickory Ct., Downers Grove; Ms. Sandra Reinert, 1321 35th Street, Downers Grove; Mr. Thomas Lassiter, 1341 35th St., Downers Grove; Carol and Paul Helsdon, 4215 Vernard, Downers Grove; Mr. Keith Neumann, 4355 Weaver Parkway, Mr. Steve Cox, 3461 Hickory Ct., Downers Grove; Marge Earl, 4720 Florence Ave, Downers Grove.

Chairperson Urban explained the protocol for the meeting.

APPROVAL OF MARCH 2, 2015 MINUTES

MINUTES OF THE MARCH 2, 2015 MEETING WERE APPROVED ON MOTION BY MR. WEBSTER, SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 7-0.

PUBLIC HEARINGS:

Chairperson Urban swore in those individuals that would be speaking on the following petitions:

FILE 15-PLC-0009: A petition seeking approval for a Planned Development Amendment and a Special Use for a drive-through facility. The subject property is zoned B-2, General Retail Business. The property is located at the northwest corner of Lemont Road and 75th Street, commonly known as 1200 75th Street, Downers Grove, IL (09-30-201-002). Eric Carlson, Petitioner, Hemant Patel, Owner.

APPROVED 5/4/15

MOTION BY MR. MATEJCZYK, SECONDED BY MR. RICKARD TO CONTINUE THE ABOVE HEARING TO MAY 4, 2015. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

FILE PC 44-14: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into seven residential lots and an outlot. The subject property is zoned R-3, Residential Detached House 3. The property is located on the north side of 35th Street, approximately 160 feet west of Saratoga Avenue, commonly known as 1350 35th Street, Downers Grove IL, (06-31-201-043). Greenscape Homes, LLC, Petitioner; Solid Rock Developers, Inc., Owner.

Chairperson Urban recalled this public hearing was opened at the prior meeting and continued to tonight's date.

Village Planner Chrise located the 2.2 acre property on the overhead, describing it as unimproved and wooded. The request is to subdivide the property into seven (7) residential lots. Lots 1 and 2 have lot width exceptions for 70 ft. widths versus the required 75 ft. width. The remaining outlot will be reserved for the proposed detention facility. All lots meet the area requirements for the R-3 zoning district. Overland flow routes for stormwater were noted as well as property grade. Details followed regarding the current flow of stormwater run-off.

Slides were referenced by Ms. Chrise who described how the stormwater currently flowed through the site and how it would flow through the site once developed, using best management practices. Per Ms. Chrise, the outlot and stormwater pipe system will be maintained through a homeowners association and through a dormant village special service area should the association default. No public improvements were being proposed at this time; however, the village would recapture the amount spent previously on right-of-way improvements upon subdivision of the property, pay for seven parkway trees, and grind/resurface the width of 35th Street upon installation of the sanitary service for all seven lots.

Planner Chrise then reviewed the standards for approval of exceptions, pointing out how the stormwater improvements supported the goals of the village's Comprehensive Plan. The proposal was consistent with the residential character of the area and staff recommended a positive recommendation to the village council subject to staff's conditions listed in its memo.

Per Mr. Matejczyk's question, Planner Chrise identified the stormwater improvements to address the stormwater issues currently existing in the neighborhood and understood that the drainage issues had improved. However, in speaking with the development engineer, Ms. Chrise indicated that the proposed stormwater system was not designed for the large rain events, such as the one in 2013. Mr. Matejczyk expressed concern that the existing two northern detention areas were not designed to today's standards and whether that was taken into consideration by the petitioner. Ms. Chrise indicated the petitioner did consider the concerns about the functioning of the existing detention basins which was why they were proposing their detention -- one basin would contain the existing off-site runoff while the other would detain the new run-off created by the new impervious surface. Details followed.

After explaining the proposed stormwater system, Ms. Chrise confirmed with Mr. Rickard that the system, as proposed, meets the stormwater management requirements. Details followed. The

APPROVED 5/4/15

maintenance of the vegetative swale would be the responsibility of the homeowner's association. Adding to that, Mr. Popovich explained that the village would have follow-up maintenance and monitoring report for the swale for approximately three years to ensure establishment was taking place via a letter of credit. Drywell depth was queried by Mr. Cozzo. Lastly, Ms. Chrisse pointed out the location for a proposed retaining wall for the development.

Petitioner, Mr. Keith Neumann with Greenscape Homes, 4355 Wheaton Parkway, Warrenville, Illinois reiterated the benefits of developing the site with improved stormwater management and walked through how the water would flow through the site. Asked if the homeowners of the subdivision would be educated on how to maintain the swales, Mr. Neumann indicated that he will want the homeowners to know what "exactly they are buying, how to maintain it and everything else."

Chairperson Urban invited the public to speak.

Dr. Thomas Lassiter, 1341 35th Street, Downers Grove, lives across from the development and said his property receives all of the water. He appreciated the village engineer and planner working with him to address his concerns. However, he had to install a water detention basin in his front yard upstream from his driveway, which crosses Lacey Creek. While it was designed to hold the flow of water, over the years, he stated, it has become overwhelmed due to the tollway construction, more homes being developed, and the nearby nursing home development. He and his wife currently maintain the drains on 35th Street. His concern is that the water will eventually spill over and erode away his driveway and front yard. During heavy rains and while in the woods, he has taken numerous photographs of the performance of the current detention basins, dating from 1981 up to the event in 2013. He noted the largest problem with the system rests with the nursing home because there is no retention in the current water basins. The water flows directly from the east basin to the west basin with no restriction. He believes this is an opportune time, before the development begins, to make a change to the stormwater system and bring it up to code at a small cost.

Dr. Lassiter asked if the proposal were to go forward that an action be imposed to require the nursing home basins to function as were designed and have assurances (in perpetuity) that the restrictors would not be removed from the pipes. While the concept of vegetative plants was a great idea, he said it depended upon the flow rates and the grading of the hill. Lastly, he suggested that the village somehow intercept a certain stormwater pipe that carries water from Saratoga and divert some of that water downstream so not all of the water gets dumped into the basin upstream from his driveway.

Mr. Nelson McMahon, 1301 35th Street, Downers Grove located his home on the map and stated there were never any water issues until the nursing home was constructed and from then on it has gotten worse. He stated the basins had not been maintained for the past 15 to 20 years. He liked the plan but asked for follow up on the maintenance of those basins.

Ms. Sandra Reinert, 1321 35th Street, Downers Grove, stated that during every storm there is a river that runs in her and her neighbors' back yards. She discussed the water issues she encountered when the last two 100-year rains occurred. The 2013 rain flooded her main floor living space. She agreed with Dr. Lassiter's comments and believed this also was an opportunity to improve and address the situation in the entire area.

APPROVED 5/4/15

Mr. Timothy Trusbutch, 3431 Hickory Court, Downers Grove, discussed the water issues on his property, noting they started when the nursing home was constructed. He asked if any environmental impact study was ordered to see the impact on the surrounding homes. The chairwoman explained that the engineering department would be responsible for that portion; however, the stormwater report was quite extensive, it included modeling and it was prepared by a professional licensed engineer.

Mr. Jeff Berger, 3451 Hickory Court, Downers Grove, located his home on the overhead and stated the basins did not work. However, he stated in the past two years his backyard floods and he has contacted staff, but nothing has been done about it. He expressed concern about removing the vegetation because it did soak up the water. Chairperson Urban referenced the tree survey in staff's report (Sheet C3).

Mr. Steve Cox, 3461 Hickory Court, Downers Grove, mentioned that there probably would have been more homeowners tonight in attendance but the sign on the parcel had been removed. He voiced concern about the current basins functionality, the large amount of water overflow from north to south, and that the 100-year rains appeared to be about every 7 years. He asked to see more studies on how the issue would be corrected.

Dr. Thomas Lassiter, 1341 35th Street, Downers Grove, returned and discussed the former property that was purchased by the nursing home, unbeknownst to the neighbors, only to be developed. He emphasized that there was water originating from an adjacent property with piping installed when the nursing home owned all of the property. He suggested that Mr. Neumann, meet with the nursing home and village staff and discuss installation of the two restrictors. Lastly, he pointed out that there has been no rain event to test the latest public works improvement in the area.

Ms. Marge Earl, 4720 Florence Ave., Downers Grove, voiced concern about the possibility of new homes going in with the owners not knowing the conditions that existed in the area and who would add to the burden if not corrected. She encouraged that it be corrected now.

Ms. Maria Trasavich, 3431 Hickory Court, Downers Grove asked what type of homes were planning to be constructed -- spec homes or something else.

Mr. Keith Neumann returned and thanked the speakers for their input which he said would be taken into consideration. Per an earlier question he would begin construction on one or two homes but would address the stormwater issues first. Regarding the restrictors, he stated one of the benefits of creating a dormant SSA was that in the event one was needed to maintain the stormwater system the village could enforce it. He stated he will investigate to see if a current restrictor exists and believes some negotiation can be opened up, as suggested by Dr. Lassiter. Also, he believed with seven new homes, there was more control and ability to direct water into certain areas using downspouts and gutters. He further explained how water is intended to flow on the west lot line (swale) and stated his goal was to leave as many trees possible on the north side of outlot A. Details followed.

Chairperson Urban closed the public hearing.

APPROVED 5/4/15

Mr. Matejczyk expressed concern that one of the neighbors was experiencing sanitary sewer backup during rains and asked staff about it, which Planning Manager Popovich said he would have to follow up. He offered that the resident contact staff. The other concern expressed by Mr. Matejczyk was that the issues appeared to be stemming from the nursing home to the north and the fact that the retention basins were not working. He began to question the village's maintenance monitoring for all basins in the village. Again, Mr. Popovich offered to have the village's stormwater administrator follow up but reminded him that the basins were built to standards that existed at the time of development, and that is what they probably met, but he would follow up whether they were working properly. His understanding from the stormwater administrator was that they were.

Mr. Rickard felt staff could easily find out if restrictors were installed with the original basins. If they were removed, he believed they could be easily re-installed; Mr. Popovich concurred.

Chairperson Urban agreed tonight's discussion mainly focused on stormwater versus the subdivision but believed staff would be speaking to the stormwater administrator about the issues raised. She believed a number of challenges existed. However, she asked to return to the petitioner's request and pointed out that two deviations were being requested for two lots. She believed that based on the designed being proposed and the design overflow route, the standards for granting the variances were met. Messrs. Webster and Rickard also agreed the standards for the requested lot width exceptions were met.

WITH RESPECT TO PC-44-14, MRS. RABATAH MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO STAFF'S FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION FOR THE 35TH AND SARATOGA SUBDIVISION PREPARED BY GREENSCAPE HOMES, LLC, DATED DECEMBER 30, 2014, LAST REVISED ON MARCH 25, 2015 AND THE SITE ENGINEERING AND IMPROVEMENT PLANS FOR 35TH AND SARATOGA SUBDIVISION PREPARED BY GREENSCAPE HOMES, LLC, DATED DECEMBER 31, 2014 AND LAST REVISED ON MARCH 25, 2015, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES;**
- 2. PURSUANT TO RECORDED DOCUMENT NOS. R1982-007174 AND R1983-006093, THE PETITIONER SHALL PAY TO THE VILLAGE A RECAPTURE AMOUNT OF \$69,383.44 PRIOR TO EXECUTING THE FINAL PLAT OF SUBDIVISION FOR THE PUBLIC IMPROVEMENTS PREVIOUSLY COMPLETD BY THE VILLAGE;**
- 3. THE PETITIONER SHALL PAY \$33,157.04 (\$15,983.31 FOR THE PARK DISTRICT; \$11,680.13 FOR SCHOOL DISTRICT 58; AND \$5,493.60 FOR SCHOOL DISTRICT 99) PRIOR TO THE VILLAGE EXECUTING THE FINAL PLAT OF SUBDIVISION;**
- 4. THE HOMEOWNERS ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DOCUMENT FOR THE SUBDIVISION SHALL BE RECORDED WITH THE PLAT OF SUBDIVISION;**

APPROVED 5/4/15

5. **UPON ISSUANCE OF THE STORMWATER PERMIT, THE PETITIONER SHALL PAY A \$3,500 FEE-IN-LIEU FOR SEVEN NEW PARKWAY TREES;**
6. **A SPECIAL SERVICE AREA SHALL BE ESTABLISHED AND RECORDED TO ENSURE ADEQUATE MAINTENANCE OF THE STORMWATER DETENTION AREA PRIOR TO ISSUANCE OF ANY OCCUPANCY PERMITS;**
7. **THE PETITIONER SHALL GRIND AND RESURFACE THE ENTIRE WIDTH OF 35TH STREET IN FRONT OF THIS DEVELOPMENT UPON INSTALLTION OF SANITARY SERVICES FOR ALL SEVEN RESIDENTIAL LOTS; AND**
8. **NO TREES OR SHRUBBERY, UNLESS APPROVED WITH THE PCBMP, SHALL BE PERMITTED IN THE 20-FOOT STORMWATER AND DRAINAGE EASEMENT ALONG 35TH STREET.**

SECONDED BY MR. MATEJCZYK. ROLL CALL:

**AYE: MRS. RABATAH, MR. MATEJCZYK, MR. BASSLER, MR. COZZO,
MR. RICKARD, MR. WEBSTER, CHAIRPERSON URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE 15-PLC-0004: A petition seeking Special Use approval to permit an extended family accessory housing unit. The subject property is zoned R-2, Residential Detached House 2. The property is located on the east side of Venard Road, approximately 580 feet north of Ogden Avenue, commonly known as 4215 Venard Road, Downers Grove, IL (09-06-214-003). Paul and Susan Helsdon, Petitioner and Owner.

Village Planner Kelley Chrisse explained that this request is for an extended family accessory housing unit, i.e., an in-law suite. The site is improved with a single-family home and detached garage. The detached garage is proposed to be converted to an in-law suite and would consist of a bedroom, bathroom, kitchen, laundry facilities and living room with separate entrance. However, there would be a connection to the existing home. The petitioner received a building permit and started some construction, but not for this specific request. Photographs were presented.

Per Ms. Chrisse, when the accessory housing unit is no longer needed, the petitioner has agreed to remove the accessory unit and convert it back to the single-family home. Ms. Chrisse stated the current R-2 zoning district allowed for extended family accessory units and the proposal met the conditions of the zoning ordinance. The owner has also agreed to an annual certification that he would meet the requirements of special use. Per staff, the proposal met the special use criteria and the recommendations cited in the village's comprehensive plan. Ms. Chrisse recommended the commission forward a positive recommendation to the village council subject to the conditions listed in its memo.

Petitioner, Mr. Paul Helsdon, 4214 Venard Road, Downers Grove, explained that he and his wife purchased the foreclosed home with the opportunity to house his retired mother so she could retain her independence but still have family nearby.

Dialog followed by the chairperson that this was the type of housing that was needed in the village.

APPROVED 5/4/15

Chairperson Urban opened up the meeting to public comment. No comments received and there was no closing statement from the petitioner. Public comment was closed.

Mr. Rickard believed the proposal met the requirements, was a positive, and such requests were becoming more frequent in other communities. Mr. Cozzo, also pointed out that the de-conversion clause was a good safety net for the village. Mr. Webster concurred that the petitioner met the requirements.

WITH RESPECT TO FILE 15-PLC-0004, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED EXTENDED FAMILY ACCESSORY HOUSING UNIT SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MARCH 3, 2015 AND ARCHITECTURAL PLANS PREPARED BY 12/12 ARCHITECTS & PLANNERS, DATED JANUARY 26, 2015, EXCEPT AS SUCH PLANS MAY BE MODIFIED, TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. THE PETITIONER SHALL PERMIT THE VILLAGE TO COMPLETE AN ANNUAL INSPECTION OF THE PREMISES TO ASSURE CONTINUING COMPLIANCE WITH EXTENDED FAMILY ACCESSORY HOUSING REGULATIONS;**
- 3. THE PETITIONER SHALL ANNUALLY SUBMIT TO THE VILLAGE A SWORN AFFIDAVIT THAT CERTIFIES CONTINUED COMPLIANCE WITH EXTENDED FAMILY ACCESSORY HOUSING REGULATIONS; AND**
- 4. THE ACCESSORY UNIT SHALL BE CONVERTED TO BE A PART OF THE EXISTING SINGLE FAMILY DWELLING UNIT WITH 120 DAYS OF THE LAPSE OF THE SPECIAL USE APPROVAL.**

SECONDED BY MR. WEBSTER. ROLL CALL:

**AYE: MR. COZZO, MR. WEBSTER, MR. BASSLER, MR. MATEJCZYK,
MRS. RABATAH, MR. RICKARD, CHAIRPERSON URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

NEW BUSINESS

Mr. Popovich announced that Mr. Waechtler has resigned from the commission. Updates followed regarding: Fresh Tyme, Good Samaritan Hospital, the 922 Warren permit, the SLF permit and the Edwards House on Maple Avenue.

THE MEETING WAS ADJOURNED AT 8:41 P.M. ON MOTION BY MR. WEBSTER, SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

/s/ Celeste K. Weilandt
Celeste K. Weilandt

APPROVED 5/4/15

(As transcribed by MP-3 audio)