

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Café 937

Wells B. Goodman, Applicant

Café 937, Backer

Liquor Permit No. LCA.6849

Case No. 2007-9420

Docket No. 08-436

May 1, 2008

MEMORANDUM OF DECISION

This matter involves an application for a café liquor permit for Café 937, 937 North Main Street, Waterbury, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 17, 2008, at which time Wells B. Goodman, applicant, appeared. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed place of business. Remonstrants appeared to oppose the granting of this permit.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Wilson reviewed the pending application and found it to be in order. She did an on-site inspection of the location and spoke with the agent for the remonstrants. The proposed location is a small, one-room café to be located on the ground floor of a multi-story residential building. The most recent liquor permit at this location lapsed approximately one year ago; however, liquor permit premises had previously operated at this location for more than 40 years. The premises meets all the requirements for a café liquor permit. Agent

Wilson spoke to the agent for the remonstrants who was concerned that the granting of the permit would be detrimental to the area and expressed concerns about adequacy of parking. Remonstrants expressed concerns about maintaining the quality of life in the North End of Waterbury, concerns that there were too many nightclubs in Waterbury and there was a lack of parking in the area of the proposed premises. There is proper zoning approval and Agent Wilson spoke with Dennis Brown, the city zoning officer, who had no concerns with either the zoning or the adequacy of parking. The applicant submitted documentation from a business across the street, allowing use of its parking lot for Café 937 patrons. The building landlord spoke in favor of the applicant and the proposed business. The applicant submitted a petition with over a hundred signatures of residents in favor of the liquor permit application. Agent Wilson found nothing questionable about this application.

Substantial evidence was not presented which would cause us to deny Mr. Goodman's pending café permit application. It is well settled that the determination of whether a proposed location is suitable for a liquor permit rests with the Liquor Control Commission. Williams v. Liquor Control Commission, 175 Conn. 409, 399 A.2d 834 (1978).

Accordingly, we hereby deny the remonstrance and grant the final café liquor permit to Wells B. Goodman and Café 937, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Gary W. Berner, Commissioner

Parties:

Joe Perugini, Agent for Service, 900 North Main Street, Waterbury, CT
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Nonparties:

John Suchy, Director, Liquor Control Division

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