

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Park Central Tavern, Permittee
Park Central Tavern, LLC, Backer
Liquor Permit No. LIR.17845P
Docket No. 09-1222

Case No. 2009-3442
December 15, 2009

MEMORANDUM OF DECISION

This matter involves a remonstrance received on an application for a restaurant liquor permit for Park Central Tavern, 1640 Whitney Avenue, Hamden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 3, 2009, at which time Robert Johnson, the permittee and a member of the backer limited liability company, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as the result of a legally sufficient remonstrance. Remonstrants appeared and provided testimony. The premises is operating under the auspices of a provisional liquor permit.

We have reviewed the record of the hearing and find the following facts. Liquor Control Agent Anderson conducted an investigation of the application and did on-site inspections. He also conducted a remonstrance investigation and prepared a detailed report of his findings. Agent Anderson spoke with the

remonstrants and canvassed the neighborhood. Park Central Tavern is located on a busy street and is across the street from a church and a school; it abuts a residential area. Agent Anderson spoke with the local zoning officer who confirmed that this location is in compliance with all municipal codes. He also spoke with the desk sergeant at the Hamden Police Department who expressed no concerns about this premises.

Park Central Tavern is an upscale, "white linen" restaurant with target clientele of ranging upwards from young professional people. As part of its liquor permit application, it has indicated that it may offer live entertainment in the form of live bands and DJ's. Since opening, Park Central has had a jazz trio perform on two occasions. It does not contemplate offering bands and DJ's on an on-going basis but rather as ancillary amenities at private parties.

The agent for the remonstrants testified that he does not oppose the granting of this liquor permit to Mr. Johnson, however, he and the remonstrants are concerned about spillover parking and noise, based primarily upon the negative experiences they had with the prior ownership which targeted a younger crowd. There is suitable parking available, with thirty-nine parking spaces are available in the premises' own parking lot and additional parking is available in two municipal lots across the street. This applicant was not involved in the operation of the prior location.

The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor

Control Commission. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Based upon the testimony and documents presented, we hereby dismiss the remonstrance and grant the Respondent's final restaurant liquor application.

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

Elisa A. Nahas, Esq.
Presiding Officer

Angelo Faenza, Commissioner

Steve Somma, Commissioner

Parties:

Robert Johnson, Permittee, Park Central Tavern, 1640 Whitney Avenue, Hamden, CT 06517

(Via US Mail and Certified Mail # 7009 1680 0001 2915 7477)

Robert Johnson, Permittee, c/o Joseph L. Clasen, Esq., Robinson & Cole LLP, Financial Centre, 695 East Main Street, Stamford, CT 06904-2305

James Wimsatt, Agent for Remonstrants, 26 Central Avenue, Hamden, CT 06517

(Via US Mail and Certified Mail # 7009 1680 0001 2915 7460)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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