

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**In the Matter of**

Joe's Bar & Grill  
Joseph C. Pugliese, Permittee  
Bob & Joe LLC, Backer  
Liquor Permit No. LCA.7256P

Case 2011-87  
Docket No. 2011-969  
December 13, 2011

**MEMORANDUM OF DECISION**

This matter involves a new application for a café liquor permit for Joe's Bar & Grill, 17 Funston Avenue, Torrington, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 27, 2011. Joseph C. Pugliese, permittee and sole member of the backer limited liability company, 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 place of business. Remonstrants appeared to testify in opposition to the granting of this permit. This premises is currently operating under the auspices of a provisional permit.

The following facts are found based upon evidence adduced at the hearing. Agent Richards investigated both the new application and the remonstrance. There was nothing questionable about the new application; the premises meet the requirements for a café permit. Agent Richards conducted a comprehensive on-site inspection of the permit premises. She also met with the agent for the remonstrants to discuss his concerns. The remonstrance itself cited concerns that the building that was once a neighborhood bar had changed its character, concerns that people would be drinking too much leading to noise issues, the lack of adequate parking causing customers to park on the street blocking driveways, concerns about the safety of

families residing nearby, and concerns that there are already other liquor permits in the area and this one would be excessive.

Agent Sturgeon visited the location on two occasions to observe the area and activity in the area. On March 17, 2011, she met with Mr. Pugliese and observed the area between 10:30 a.m. and noon. She noted one school bus and did not see anyone parked illegally on the street. On April 29, 2011, she observed the area between 7:30 p.m. and midnight. It was a warm night and she had a clear and unobstructed view of the entire area. She observed traffic on the street; people were walking about and riding skateboards. People did exit Joe's Bar & Grill to smoke cigarettes outside. No cars were parked blocking driveways and she estimated approximately 10 to 15 people inside at any given time. She noted activity but did not consider it excessive.

This location has had a liquor permit since 1948. There is proper zoning approval for the application. The police "officer activity sheet" obtained from the Torrington police department documented five occasions of officer activity while this location has been under a provisional permit. One occasion concerned a truck parked too close to the corner blocking line of sight; one complaint was that the door to the bar was open; another complaint was that a box truck was blocking the road; and lastly a complaint of improperly parked vehicles. There was also one area check which reported no problems.

The remonstrants, all of whom are related to each other and reside in the immediate area, reiterated their concerns about parking, noise, unruly behavior and general quality of life concerns.

Mr. Pugliese has posted signs both inside and outside of his café instructing patrons to not block the driveways and to be courteous to neighbors. He is now

renting the entire building and will be able to offer additional off-street parking to customers. He is keeping the windows closed and has installed a self-closing mechanism on the door to ensure minimal noise escapes. It appears he is acting as a responsible business owner. It is unfortunate that the interaction between the parties has been acrimonious.

Substantial evidence was not presented which would cause us to deny Mr. Pugliese's pending café liquor application. If specific problems develop with the premises in the future, the Commission is empowered to take action concerning the liquor permit and will certainly do so as warranted. 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 A2d 834 (1978).

Accordingly, based upon the foregoing, we hereby deny the remonstrance and grant the final café liquor permit to Joseph C. Pugliese and Joe's Bar & Grill, subject to the agent's final requirements.

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

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Elisa A. Nahas, Esq.  
Designated Hearing Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

David Blauvelt, Agent for Remonstrants, 28 Funston Avenue, Torrington, CT 06790  
(Via US Mail and Certified Mail # 7010 1670 0000 0762 0634 )

Joseph C. Pugliese, 13 Harness Drive, Barkhamsted, CT 06063-3448

**Nonparties:**

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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