

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Alfa Pizza Restaurant
Antonios I. Amoratis, Permittee
Alfa Pizza Restaurant Inc., Backer
Liquor Permit No. LIR.16023
Case No. 2008-10071

Docket No. 2009-339
March 19, 2009

MEMORANDUM OF DECISION

This matter involves a renewal application for a restaurant liquor permit for Alfa Pizza Restaurant, 54 Naugatuck Avenue, Milford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 22, 2009, at which time the Michael Amoratis, the manager and part owner of the backer limited liability company, appeared with counsel. 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 location. Remonstrants appeared on behalf of the remonstrance to oppose the renewal application. At the conclusion of the hearing the record was left open for the submission by the agent for the remonstrants of a December, 2008 police report, which was not submitted.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Sturgeon conducted a thorough investigation in connection with remonstrance filed in opposition to the renewal. She reviewed the permit history file and visited the location, which is located in the Walnut Beach section of Milford, on three occasions. Agent Sturgeon communicated

with the Milford Zoning Department. The Milford Zoning Department has no outstanding issues with this location. Agent Sturgeon spoke with the agent for the remonstrants who resides in the adjacent building. He opined that since he purchased his property in 2002, the character of Alfa Pizza had change from that of a neighborhood, mom and pop pizza place to a bar attracting a rough crowd. The agent expressed concerns about noise caused by motorcycles and live bands as well as health issues concerning trash. On approximately 153 occasions between January 1, 2003 and August 26, 2008, Milford police responded to calls for service at this location. The vast majority of these calls were to look into noise complaints made by the agent for the remonstrants and his wife. The Milford Police Department did not have any issue with the granting of the renewal application. Alfa Pizza no longer offers entertainment by live bands. Neighbors who live above the permit premises do not have an issue with noise. There is no noise ordinance in Milford.

Remonstrants raised general quality of life issues. No evidence was presented of prostitution or drug activity within the premises, as had been alleged. Alfa Pizza rents its 54 Naugatuck Avenue location and removal of trash generated by upstairs tenants is the responsibility of the landlord, not Alfa Pizza.

Based upon the substantial evidence presented, we find the location to be suitable for a restaurant liquor permit. 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).

Accordingly, we hereby deny the remonstrance and grant the renewal of the liquor permit application of Antonios I. Amoratis and Alfa Pizza Restaurant.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Antonios I. Amoratis c/o, Thomas B. Lynch, Esq., Lynch, Trembicki & Boynton,
63 Cherry Street, Milford, CT 06460

Mike Urban, Agent for Remonstrants, 58 Naugatuck Avenue, Milford, CT 06460

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden,
CT 06518

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106