

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Old Greenwich Social Club  
Jed Simon, Permittee  
Tracks Café, Backer

Permit No. LCA.7735  
April 6, 2017

**MEMORANDUM OF DECISION**

This matter involves a renewal application for a restaurant liquor permit for Old Greenwich Social Club, 148 Sound Beach Avenue, Greenwich, Connecticut. The renewal application requested the addition of an entertainment endorsement. A formal administrative hearing was held before the Department of Consumer Protection on March 2, 2017, at which time Jed Simon, Permittee, 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 location. One Remonstrant appeared to oppose the granting of this permit.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Laflamme reviewed the pending renewal application and found it to be in order. Agent Laflamme conducted an on-site investigation. The premise consists of an end unit in a small 4-unit strip mall located in the commercial district of Old Greenwich. The premise is a one room café with one area partially sectioned off with wall separators. The overall size of the premise is 45 feet x 26 feet.

Per the Department's protocol for conducting remonstrance investigations, Agent Laflamme conducted a thorough investigation in connection with the remonstrance. She contacted Jodi Couture, the Greenwich Zoning Enforcement Officer, who stated inside entertainment is allowed for this premise. Mr. Couture also provided a document indicating that planning and zoning had issued a zoning permit to allow seasonal outdoor dining with no outdoor music allowed.

Agent Laflamme also contacted the Greenwich Police Department and received copies of call summary reports, including two complaints due to noise.

Agent Burke testified at the Remonstrance and stated there were no concerns regarding the permit application, the applicant, or the location.

At the hearing, the Agent for the Remonstrants, Ms. Garbarino, and her daughter expressed their primary concern was noise and social behavior compounded by the offering of live entertainment.

Mr. Jed Simon, Permittee, stated he has been operating the business for the last sixteen months. He stated since an incident when there was a noise complaint he has taken various steps to address any issue of noise and initiated a live music protocol for the premise.

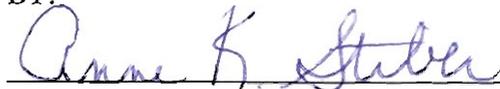
Mr. Mark Zelenz, a professional musician who performs at the location, testified that he often plays acoustics at the premise. He stated that when he is there with a band he has turned down the volume when asked.

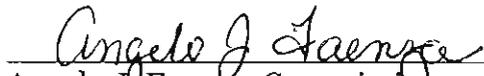
Mr. Laurence Simon, Backer, stated he is a long time resident of Greenwich and they are trying to be good neighbors.

Based upon the substantive evidence offered at the hearing, we do not find substantial evidence to deny this liquor permit renewal. The determination of factual matters with regard to the suitability of a 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 liquor renewal of the permit of Jed Simon and the Old Greenwich Social Club with an entertainment endorsement, subject to any outstanding agent's requirements.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

  
\_\_\_\_\_  
Anne K. Stiber, Esq., Designated Presiding Officer

  
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Angelo J. Faenza, Commissioner

  
\_\_\_\_\_  
David A. Scribner, Commissioner

Parties:

Acquanetta Garbarino, AGENT FOR REMONSTRANTS  
144 Sound Beach Ave.  
Old Greenwich, CT 06870  
(Via US Mail and Certified Mail # -----)

Jed Simon, PERMITTEE  
148 Sound Beach Ave.  
Old Greenwich, CT 06870

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