

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Park Road Wine & Spirits
Jagdish Parmar, Applicant
Om Shivay, LLC, Backer
Permit No. LIP.14685
Docket No. 10-1209

Case No. 2010-353
August 31, 2010

MEMORANDUM OF DECISION

This matter involves a remonstrance filed on an application for a package store liquor permit for Park Road Wine & Spirits, 227-229 Park Road, West Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection, Liquor Control Commission, on August 26, 2010, at which time Jagdish Parmar, applicant, 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 questioning the suitability of the proposed location for use as a package store. The remonstrants' concern was the number of package store liquor permits on Park Road and nearby the proposed location.

The following facts are found based upon evidence adduced at the hearing. Agent Laraine Wilson reviewed the pending application and conducted a thorough investigation. She found the application to be in order and visited the proposed location. As part of her remonstrance investigation, Agent Wilson measured the distance between the proposed package store location and various establishments in the neighborhood,

including schools, religious institutions, and other liquor permit premises. There is proper local zoning approval of the proposed premises location. West Hartford is legally allowed to have 25 package store liquor permits, and this proposed location would be the 21st. Agent Wilson's investigation revealed nothing questionable about the proposed location or the granting of this package store liquor permit application.

The entrance to the proposed premises is not on Park Road itself, but by its back parking lot, and customers would enter and exit from the parking lot area. The door of the building which is on Park Road is an exit door only.

There are two other package stores located on Park Road. One of the other Park Road package stores is 1,561 feet away from the proposed premises and the other is 1,810 feet away, thus the location of the proposed premises is permissible pursuant to local West Hartford zoning requirements. The owners of both appeared at the hearing and testified in opposition to the granting of this liquor permit. Both package store owners were concerned that another package store on the street would have a negative impact on their businesses.

There was testimony on behalf of the remonstrance acknowledging that technically the proposed location complies with zoning distance requirements, but questioning use of the rear entrance. The fact remains that the proposed premises is in compliance with local zoning distance requirements, is a permissible use, and the entrance will be in a

convenient location for customers, adjacent to its large parking lot. There is no substantial evidence that the town erred in its decision to approve the proposed premises, and we find that its decision complies with the requirements of the West Hartford zoning ordinances. See Town of Greenwich v. Liquor Control Commission, 191 Conn. 528, 469 A.2d 382 (1983).

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). Competitive considerations are not a sufficient reason to deny a liquor permit.

Based upon the facts adduced at the hearing, we do not find that substantial evidence exists that the location is not suitable for a permit premises. Thus, we hereby dismiss the remonstrances and grant the application for a package store permit for Park Road Wine & Spirits, subject to the agent's final requirements.

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

Elisa A. Nahas, Esq.
Presiding Officer

Steven Somma, Commissioner

Parties:

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(Via US Mail and Certified Mail # 7010 0780 0000 5441 6098)

Jagdish Parmar, Applicant, 991 Mountain Road, Cheshire, CT 06410

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Non-Parties:

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Connecticut Beverage Journal

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