

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Costa Grill & Bar

John P. Schleif, Permittee

Indian Neck Restaurant Group, LLC, Backer

Liquor Permit No. LIR.18351P

Case 2011-585

Docket No. 2012-119

March 13, 2012

MEMORANDUM OF DECISION

This matter involves a new application for a restaurant liquor permit for Costa Grill & Bar, 3 Linden Avenue, Branford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 16, 2012. John P. Schleif, 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 Anderson investigated both the new application and the remonstrance. There was nothing questionable about the new application; the premises meets the legal requirements for a restaurant permit. As part of his investigation, Agent Anderson spoke with the agent for the remonstrants as well as the president of the Cochecho Avenue Association. Remonstrants expressed concern about entertainment and the resulting noise and a lack of adequate parking. The Blue Cottage, a larger restaurant located across the street from Costa Grill & Bar, had been a source of loud, amplified

music and parking issues; the Blue Cottage has since closed. While the remonstrants did not state a specific issue with the operation of Costa Grill and Bar, they expressed a generalized concern that the number of locations serving alcohol in the immediate vicinity had been increasing over the years, which they said is impacting the character of their neighborhood. There was testimony that there is no objection to indoor music.

Costa Grill & Bar is housed in a freestanding building. It is located in a business zone and there are other commercial establishments nearby; the premises is surrounded by a residential area and marshlands. Agent Anderson conducted an evening surveillance of the location to observe the parking and noise situations. He did not note any parking issues and heard music only when the door opened as he was walking in front of the location.

Mr. Schleif has an agreement with the owner of a nearby package store to utilize its lot as overflow parking and he has an understanding with the owner of the neighboring fish market to also utilize that parking lot as overflow parking. He employs an attendant to direct patrons to these parking spaces. He is aware of his neighbors' concerns about noise; therefore, his intention is to offer musicians playing light jazz to foster a quiet, relaxing atmosphere attractive to attract his clientele and does not plan to offer music on the patio.

Substantial evidence was not presented at this time which would cause us to deny Mr. Schleif's application. 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 final restaurant liquor application of John P. Schleif and Costa Grill & Bar.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

Stephen R. Somma, Commissioner

Parties:

John P. Schleif, 9 Quonnipaug Lane, Guilford, CT 06437-1104

Arlene F. Steinlauf, Agent for Remonstrants, 55 Sound View Heights, Branford, CT 06405

(Via US Mail and Certified Mail # 7011 2000 0001 0588 5211)

Fred Russo, President, Cocheco Avenue Association, 33 Cocheco Avenue, Branford, CT 06405

(Via US Mail and Certified Mail # 7011 2000 0001 0588 5136)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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