

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

West Haven Wine & Spirits
Vijay Bhavsar, Permittee
VED, Inc., Backer
Liquor Permit No. LIP.14227P
Docket No. 07-364

April 5, 2007

MEMORANDUM OF DECISION

This matter involves an application for a package store liquor permit for West Haven Wine & Spirits, 480 Elm Street, West Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 1, 2007. Vijay Bhavsar, 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 applicant and the proposed place of business. A remonstrant appeared with counsel to oppose the granting of this permit. The premises is currently operating under a provisional package store liquor permit. At the conclusion of the hearing, the record was left open for the submission of additional documents.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Driffin reviewed the pending application and found it to be in order. The applicant does not hold any other liquor permits. West Haven is allowed 20 package store permits and, as of the

time of the application, seventeen package store permits were in existence. As part of Agent Driffin's field investigation, she determined distance to schools and other liquor outlets. The local zoning official approved zoning on the application. Agent Driffin found nothing questionable about the application, the applicant or the location.

The remonstrant, who owns a package store approximately 1800 feet from the proposed location, expressed his concern that the proposed location is within 800 feet of a grammar school and that the zoning approval was flawed. A zoning appeal concerning this location is pending in the Superior Court. It is established that the Commission has the authority to determine whether or not its issuance of a permit would result in the violation of a local zoning law. 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).

Accordingly, we hereby deny the remonstrance and grant the final package store liquor permit to Vijay Bhavsar and West Haven Wine & Spirits, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
BY**

Elisa A. Nahas, Esq.
Presiding Officer

Parties:

Vijay Bhavsar, 76 Maher Road, Stamford, CT 06902

David R. Babbitz, Esq., Agent for Remonstrants, 377 Main Street, West Haven, CT 06516

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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