

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Il Forno Ristorante
Judith Delisa, Applicant
591 Boston Post Road, LLC, Backer
Liquor Permit No. LIR.17357P
Docket No. 07-1395

October 9, 2007

MEMORANDUM OF DECISION

This matter involves a new application for a restaurant liquor permit for Il Forno Ristorante, 591 Boston Post Road, Milford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 4, 2007, at which time Judith Delisa, applicant and member of the backer limited liability company, appeared. This premises is currently operating under a provisional liquor permit. 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 application.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Anderson conducted a thorough investigation in connection with the application and the remonstrance filed in opposition to the application; Agent Anderson found nothing questionable about the applicant or the proposed location based upon his investigation. Agent Anderson did an on-

site inspection, and revisited the area to conduct a remonstrance investigation. He spoke with remonstrants who live nearby.

The proposed premises is located in a commercial area on the Boston Post Road; a residential area is located behind the restaurant. There is proper zoning approval for a restaurant liquor permit. A liquor permit has existed at this location for approximately 30 years. The entertainment sought as part of this application is for DJ's and bands. Approval for a patio has not been sought. This location has been operating under a provisional permit since May, 2007, and has not presented live entertainment to date.

Two remonstrants testified and expressed concerns about future noise problems which may occur if a patio is some day permitted and bands and DJ's are allowed to perform outside. The remonstrants also expressed concerns that the size of bands is not limited and suggested that bands and DJ's would draw a younger crowd of people and who would generate increased traffic. Ms. Delisa and her husband, the chef, both have experience in the restaurant business and have operated a restaurant in New York City. She wishes to operate a family oriented restaurant and have the option to offer DJ's and bands at her establishment, primarily at private parties.

Based upon the substantial evidence presented, we find the location and the applicant 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 grant the final restaurant liquor permit to Judith Delisa and Il Forno Ristorante, subject to the agent's final requirements, and deny the remonstrance.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:

Elisa A. Nahas, Esq.
Presiding Officer

Angelo J. Faenza, Commissioner

Gary Berner, Commissioner

Parties:

Loretta Toomey, Agent for Remonstrants, 114 Maple Street, 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

Ernest and Sharon Bombardier, 102 Maple Street, Milford, CT 06460