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REGULAR MEETING

LICENSING BOARD

COUNCIL CHAMBERS

THURSDAY

April 14, 2016

9:30 A.M.

1. 9:30 A.M. CALL TO ORDER 

Present: Frank Palaia, Chair
Michael Cardiff
Joseph M. Nigrelli, Jr.
Mary E. Belanger
Paul Gencarella, Jr. Alternate
T. Sol. Matthew T. Oliverio, Esq.
Cathy Brayman, Clerk Pro Tem

Absent: Adrian T. Pelchat, Jr.

Also Present: Debra Gent, Licensing Assistant

SALUTE TO THE FLAG

Mr. Palaia welcomed Paul Gencarella as a member of the Licensing Board and thanked Rudolf Hauser for his service.

2. CONSENT CALENDAR 

Approval of Minutes


Regular Meeting - [March 10, 2016](#)

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, that the aforesaid minutes be accepted and approved as presented. (Voted Unanimously)

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, to amend the order of the meeting to move the public hearing to the end of the meeting. (Voted Unanimously)

3. PUBLIC COMMENTS

None

4. PUBLIC HEARINGS (Liquor Licenses & Others) 

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, to resume public hearing from March 10, 2016. (Voted Unanimously)

Liquor License Application - Upgrade 

From: Class B Limited
Fazio Brothers Inc

dba: Ten Sandwiches 98 Bay St
To: Class B Victualer
Fazio Brothers Inc
dba: Ten Sandwiches same location
(Continued from March 10, 2016)

Present: Robert Lombardo, Esq., representing applicant
Padric Fazio, owner

Mr. Lombardo explained that Fazio Brothers Inc. is requesting an upgrade from it's Class B Limited Limited liquor license to a Class B Victualer liquor license.

Mr. Fazio explained to the Board that the reason for the request for the upgrade is customer driven; and that he had received requests from his clientele.

The following individual was present and spoke in favor of the upgrade: Jamie Pemental, 46 Riverside Drive, Pawcatuck CT. He stated that he is the co-operator of Christinas on Bay Street; that night business has declined; and that the granting of the license would draw clients to Watch Hill and upgrade the night life.

The following individuals were present and spoke in opposition to the upgrade:

Patrick Tomasiewicz, Unit 3 Bay Street, Watch Hill presented photographs showing his residence in relationship to Ten Sandwiches referenced as Objector's Exhibit 1, 2 and 3; he was not given notice in 2014 when the limited liquor license was issued; read aloud the Zoning Board decision with regard to the issuance of the Limited Class B license and submitted it as Objector's Exhibit 4; the current parking issue; that other residents have expressed objection to him; requested through Attorney Oliverio to seek information regarding notice to residents on Napatree Point; the size of Ten Sandwiches and tenants living above; potential insurance increase to the condo association; sanitation permit is limited to 22 seats from Bay Street Deli to Ten Sandwiches; sanitation system design; regulation enforcement; ratio of children to adults. He requested that if granted, the following stipulations be placed on the license: outside patio closed by 10:00 p.m.; trash and recyclables are disposed of by 10:30 p.m.; seating capacity to follow the sanitation permit; let it be known the number of bar stools, table and chairs used; disposable items be used; the outside be cordoned off; no live music; follow all association laws, local laws and association by-laws; and that all servers be tip certified; Sandy Barberi-Tomasiewicz, Unit 3, Bay Street, Watch Hill the building is small; noise is an issue; not properly notified; requests that the patio be closed by 10:00 p.m.; concerned with the control and enforcement of the establishment.

In response to questioning by the Board, Mr. Fazio and Attorney Lombardo stated that noise has not been an issue in the past; Fazio Brothers Inc. rents from Mr. Thomas Capalbo who owns the building and is a member of the Association; and notice was not given to Mr. and Mrs. Tomasiewicz because of the date they purchased the property; that the hours of operation in the past were from 8:00 a.m. to no later than 11:00 p.m.; that there is a physical bar in the restaurant with ten bar stools; and that he is sensitive to the issues brought before the Board and will accommodate the needs of the objectors to the best of their ability.

Attorney Lombardo informed the Board that he and his clients met with Mr. Tomasiewicz and the President of the Association to address the issues and that Ten Sandwiches is receptive to complying with issues brought before them. He further stated that the President of the Association, Mr. Ostaszewski, is not opposed to the upgrade.

Attorney Oliverio advised the Licensing Board of its authority, noting that the Zoning Board does not issue liquor licenses and that the use code does not specify the type of liquor license allowed. The Licensing Board has the ability to enforce restrictions regarding time, place and manner on the liquor license.

Motion made and duly seconded to take a five minute recess. (Voted Unanimously)

Mrs. Brayman stated, for the record, that two emails were sent to the Town Clerk last evening, one was from Mr. Ostaszewski requesting to retract his objection previously submitted and one from Kip Colligan in opposition to the upgrade.

Ms. Barberi-Tomasiewicz presented an email regarding septic suitability from Sergio Cherenzia, Cherenzia & Associates, Ltd, and submitted it as Objector's Exhibit 5 along with Leachfield Sizing

Calculations submitted as Objector's Exhibit 6.

[Letters of Objection](#) were received on March 7, 2016 from Sandra Barberi-Tomasiewicz, John and Renee Ostaszewski, and Watch Hill Fire District and placed on file.

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, to close the Public Hearing. (Voted Unanimously)

Motion by Mr. Cardiff, Seconded by Mr. Nigrelli, that the aforesaid license be granted subject to the prior approval of proper authorities. (Voted Unanimously)

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, to open the Public Hearing. (Voted Unanimously)

Outside Entertainment – (May 1 through October 31, 2016)

Andrea Hotel, Inc.

dba: [Andrea Hotel](#) 89 Atlantic Ave

Fun-One, Inc.

dba: [Paddy's Tiki Beach](#) 159 Atlantic Ave

Atlantic Beach Park

dba: [Windjammer](#) 321 Atlantic Ave

Ocean House Management LLC

dba: [Ocean House](#) 2 Bluff Ave

SJD Enterprises LLC

dba: [Sandy's Lighthouse](#) 148 Atlantic Ave

Coin-Operated Devices - (5)

Westerly OL, LLC

dba: [Orange Leaf](#) 116 Granite St. Unit 10

No one appeared in favor or against.

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, that the aforesaid licenses be granted subject to the prior approval of proper authorities. (Voted Unanimously)

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, to close the Public Hearings. (Voted Unanimously)

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

a. New Licenses and Permits

Class F (Beer & Wine)

[Derby Day at the Armory](#)

Westerly Armory

(May 7, 2016 - 4:00 p.m. to 7:00 p.m.)

41 Railroad Ave

Inside Entertainment

Westerly OL, LLC

dba: [Orange Leaf](#)

116 Granite St Unit 10

Amusements

Aviva Bikes LLC

dba: [Aviva Bikes](#)

(Bike Rentals)

103 Bay St

One Time Events

Drive In Movies

Misquamicut Business Association 316 Atlantic Ave
 (May 20, 27, June 3, 10, 17, 23, 24, 30,
 July 1, 7, 8, 14, 15, 21, 2016 - 8:00 p.m.)

Drive In Movies

Misquamicut Business Association 316 Atlantic Ave
 (July 22, 28, 29, August 4, 5, 11, 12,
 18, 19, 25, 26, September 2, 9,
 16, 2016 - 8:00 p.m.)

Drive In Movies

Misquamicut Business Association 316 Atlantic Ave
 (September 23, 30, October 7,
 14, 2016 - 8:00 p.m.)

Neighbor Day Celebration

Permanent Neighbor Day Committee 45 Broad St
 (May 22, 2016 - 11:00 a.m. to 3:00 p.m.)
Request fee be waived


Motion by Mr. Nigrelli, Seconded by Ms. Belanger, that the aforesaid licenses be granted subject to the prior approval of proper authorities and that the fee be waived for Neighbor Day Celebration. (Voted Unanimously)

b. Renewals Amusement

Paddle Surf RI LLC 3 India Point Rd
 dba: [Paddle Surf RI](#)

Mr. Gencarella recused due to a possible conflict of interest being that he has a business relationship with Paddle Surf RI LLC.

Motion by Mr. Nigrelli, Seconded by Mr. Cardiff, that the aforesaid license be granted subject to the prior approval of proper authorities. (Voted 4-0, Mr. Gencarella recused)

c. Ratify & Confirm One Time EventsMartial Arts Exhibition

Lace Up Promotions/Pride Martial Arts
 Westerly Armory 41 Railroad Ave
 (March 19, 2016 - 4:00 p.m. to 9:00 p.m.)

Motion by Mr. Cardiff, Seconded by Mr. Nigrelli, that the action of the Town Clerk in granting the aforesaid license be ratified and confirmed. (Voted Unanimously)

d. Order Advertise for Public Hearing - May 12, 2016 Liquor Class C - Extended Hours (12:00 a.m. to 1:00 a.m.)

Vintage Cigar, LLC
 dba: [Vintage Cigar Lounge and Club](#) 47 High St

Motion by Ms. Belanger, Seconded by Mr. Nigrelli, to advertise for Public Hearing on May 12, 2016. (Voted Unanimously)

Liquor License Application Upgrade

From: Class B-Limited
 NRV Inc

To: dba: [Dunn's Corner Pizza](#) 271 Post Rd
Class B-Victualer
NRV Inc
dba: Dunn's Corner Pizza same location

Mr. Gencarella recused due to a possible conflict of interest being that he has a business relationship with NRV Inc, Dunns Corner Pizza.

Motion by Ms. Belanger, Seconded by Mr. Nigrelli, to advertise for Public Hearing on May 12, 2016. (Voted 4-0 Mr. Gencarella recused on NRV Inc.)

7. COMMUNICATIONS

- a. Correspondence - None
- b. Town Solicitor Report - None

8. ADJOURNMENT

11:36 A.M. Voted Unanimously to adjourn.

ATTEST:

Cathy Brayman,
Clerk Pro Tem

Details of the aforesaid proceedings are video streamed and available on the Town of Westerly website.

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