

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Butta J's Café  
320 Ashmun Street, New Haven, CT  
Joyce A. Bellamy, Permittee  
Permit # LCA 0006995  
Renewal Application for Live Entertainment  
(Exotic Dancing, Comedian, Acoustic, Band  
DJ, and Karaoke)

February 1, 2010

REMONSTRANCE

Pursuant to Conn. Gen. Stat. § 30-39(c), the undersigned residents of New Haven, who are at least 18 years of age, hereby object to the renewal application of Butta J's Café for live entertainment, which application includes a request for permission to add exotic dancing, comedians and acoustic in addition to bands, DJs and Karaoke as forms of live entertainment permitted at the Café. The undersigned object to the renewal application for the following reasons:

1. The renewal application fails to comply with the requirements of Conn. Gen. Stat. § 30-39, which require that the renewal application "include a detailed description of the type of live entertainment that is to be provided." The renewal application merely lists the type of entertainment proposed with no accompanying description of the nature of the entertainment, the frequency with which it will be performed, the number of entertainers, etc.

2. Under the City of New Haven Zoning Ordinance, exotic dancing, comedians and acoustic are not permitted uses for the property at which Butta J's is located. Butta J's is in the RM-2 zone. Cafes and the entertainment proposed by Butta J's Café are not permitted uses in the RM-2 zone. Because the use of 320 Ashmun Street as a café (without the entertainment proposed

by the applicant) predates the City's Zoning Ordinance, a café at this location is considered a nonconforming use. However, the City's Zoning Ordinance prohibits the expansion of a nonconforming use. Because the entertainment proposed by the renewal application is an expansion of a nonconforming use (see letter from Thomas Talbot dated January 20, 2010 attached hereto), it is prohibited under the City's Zoning Ordinance. Moreover, the entertainment proposed for Butta J's transforms Butta J's into an Adult Cabaret under the City's Zoning Ordinance, which is not a permitted use in the RM-2 zone.<sup>1</sup> Because Conn. Gen. Stat. § 30-44 requires that the Department of Consumer Protection refuse permits "where prohibited by the zoning ordinance of any city or town[,]" (emphasis added) and Butta J's Café's renewal application for live entertainment is an expansion of a nonconforming use, it must be denied as a matter of law.

3. The entertainment proposed by Butta J's Café is not suitable for the proposed place of business, see Conn. Gen. Stat. § 30-46 (a), in the following manner:

- (a) The entertainment proposed at 320 Ashmun Street will have a detrimental effect upon churches, schools and charitable institutions.

Butta J's Café is located in the Dixwell neighborhood of New Haven, which is within the City's empowerment zone, a federal designation based upon high levels of poverty and distress. Over the past several years, multi-millions of dollars of federal, state, City, and private funds have been invested in the areas proximate to Butta J's Café to revitalize this area. Butta J's application jeopardizes this public investment in the following projects:

---

<sup>1</sup> In New Haven, exotic dancing with liquor service (an "Adult Cabaret") is limited to certain business and industrial zones and is only permitted with a special exception. See §§ 1 and 42(E) of the Zoning Ordinance

- The Monterey Place Hope VI Affordable Housing Project – The Project is located directly across the street from Butta J’s. Through the HOPE VI Urban Revitalization Demonstration program, the U.S. Department of Housing and Urban Development provides public housing authorities with HOPE VI grants to make physical, managerial, and social improvements in housing developments. Under HOPE VI, the Housing Authority of the City of New Haven administered the reconstruction of the Elm Haven Housing project into the Monterey Place Project, 393 units of mixed affordable rental and homeownership units. The federal, state and local governments have invested \$89.4 million in this project. The noise, crime (as discussed below), loitering, disruptive behavior of patrons, and lack of parking already caused by Butta J’s has been incompatible with the beautiful neighborhood created by this project. Such problems will be only be exacerbated by the addition of exotic dancing and the other forms of entertainment requested by the applicant. Such entertainment will attract more patrons who it is anticipated will engage in similar (or worse) behaviors than those exhibited by Butta J’s current patrons for longer periods of time. Currently, the homeownership unit across the street from Butta J’s cannot be sold because of its location. Butta J’s application will jeopardize the significant public investment in the Dixwell neighborhood represented by the Monterey Homes Project as well as the stability of the neighborhood.
- The Farmington Canal Heritage Greenway – Farmington Canal Heritage Greenway covers approximately 84 miles from New Haven, CT to Northampton, MA. The Canal’s significance is further enhanced by the fact that parts of the park are contained in the East Coast Greenway which runs from Maine to Florida and is listed in the National Register District. This linear park is virtually adjacent to Butta J’s Café and is overseen by a nonprofit organization known as the Farmington Canal Rail-to-Trail Association. The New Haven portion of the linear park cost \$12.25 million to construct and was funded by Connecticut Department of Environmental Protection, the Connecticut Department of Transportation and by federal and City dollars and is maintained by the City of New Haven’s Department of Parks and Recreation. Activities in Butta J’s Café, which may spill over to the Canal Linear Park, pose a risk to the safety of those using this linear park in the evening and/or will discourage the use of the Park.
- The Wexler-Grant Public School and Family Resource Center (55 Foote Street) – This preK-8 school, which has 455 students, is located 1000’ from Butta J’s Café. This neighborhood school was renovated and expanded in 2002 at a cost of \$25.5 million using state and local funds. Housed in the Wexler-Grant School is a family resource center funded by the State of Connecticut which provides family support and child development services to students and their families on issues such as child care, new parent needs evaluation, adult education, and teen pregnancy prevention. Many programs are conducted in the late afternoon and evenings. The entertainment proposed by Butta J’s and the activities associated with it are incompatible with the services provided by the Family Resource Center

and may jeopardize the success of the Center and the willingness of families to use the Center.

- Science Park – Science Park is the site of the old Winchester/Olin plants and is located directly to the north and east of Butta J's Cafe. Science Park is administered by the nonprofit Science Park Development Corporation. For many years, there were numerous vacancies in the Science Park buildings. During the past two years, over \$100 million in private funds have been invested in Science Park bringing over 900 biotech, office and other jobs, including jobs at charitable institutions, to Science Park. The improvements to Science Park include the upgrading and expansion of a park located less than 300' east of Butta J's Café, the construction of retail space, where a restaurant is planned, the renovation of several buildings, the construction of a parking garage, and new landscaping, sidewalks and streetscape improvements. Many employees in Science Park work in the evening. Additionally, Science Park Development Corporation runs a Literacy/Employment Center for the neighborhood where classes are held at night for neighborhood residents. During the next year, Science Park Development Corporation intends to construct a day care center for 100 children diagonally across from Butta J's. Additionally, the State Department of Economic and Community Development is supporting the renovation of a building in Science Park for office use for a growing New Haven company. Permitting the entertainment proposed for Butta J's Café will exacerbate the problems already caused by the Café and is incompatible with creating a safe neighborhood where residents, including families, and employees feel comfortable walking in the evening to and from work, classes, shops, and restaurants and using the park in the summertime. The expansion of entertainment at Butta J's Cafe could jeopardize the investment in and recent renaissance of Science Park.
- Churches – There are 9 churches within one-half mile or less of Butta J's Café. These include the following: Trinity Temple Church of God (285 Dixwell Ave.), Varick Ame Zion Church (246 Dixwell Ave.), Dixwell Avenue United Church (217 Dixwell Ave.), Saint Matthews Unison Free Will Baptist Church (388 Dixwell Ave.), Beulah Heights First Pentecostal (805 Orchard Street), MT Gideon Faith Fellowship Church (363 Dixwell Ave), Christ Chapel New Testament (220 Dixwell Ave.), Community Baptist Church (143 Shelton Ave.) and New Growth Praise Center (654 Orchard St.). These churches run activities in the evening including bible studies, youth activities, religious teachings, and choir practice. The churches serve as the epicenter for positive community engagement among the African American community in New Haven. Many of the activities are focused on giving community members positive opportunities to engage each other to better their neighborhood. The entertainment proposed for Butta J's and its history of criminal activity will discourage church members from participating in Church activities if they feel unsafe.

(See attachment for aerial overview of the location of Butta J's Café with respect to the Monterey Homes Project, the Farmington Canal Linear Park and Science Park, the neighborhood churches.)

(b) Butta J's has been conducted as a lewd or disorderly establishment

The City of New Haven Police Department considers Butta J's to be a "hot spot" that requires constant police monitoring when it is in active operation. The Police Department has received hundreds of calls for police assistance at Butta J' Café and the surrounding areas, particularly Henry Street where its patrons tend to park because Butta J's does not provide off-street parking. During the times that Butta J's is active, a New Haven police car is dispatched to remain in front of Butta J's to prevent criminal activity from occurring. Butta J's is considered to be so dangerous by City of New Haven police officers, that they refuse to work there off duty alone unless another officer is hired by the Café to work with them, which Butta J's refuses to do.

There is significant loitering in front of Butta J's with resulting fights, assaults, littering, public urination, and gun fire. Shootings have occurred outside of and proximate to the Café, and there are numerous instances in which individuals have fired guns damaging property, including cars and houses. There is drug dealing proximate to the café and due to a recent spike in violence including a recent homicide, the Police Department has added a crime suppression patrol to the area in the immediate vicinity of the Café. Although the current permittee of Butta J's, Joyce Bellamy, received her permit in November 2008, she managed Butta J's predecessor, the Cardinal Club, for several years prior to that date. Under her management, there was a murder at the Café in April 2008 and numerous instances of assault and criminal activity. Butta J's

management has told the Police Department that it will not call in instances of assault within the Café because of concerns about public criticism of the Café.

The Police Department has also received numerous complaints from residents in the area, including illegal parking, noise and gun fire.

In the experience of the Police Department, when entertainment such as exotic dancing is permitted, the hours of active patronage of an establishment will start in the early afternoon, e.g. between 3:00-5:00 p.m. Accordingly, if Butta J's is permitted to have the live entertainment that it is requesting, an earlier start time will result in expanded hours of criminal activity as well as additional conflicts with neighborhood activities, such as schools, churches, employment and use of parks.

Under all of these circumstances, because Butta J's has been operated as a disorderly establishment, its application for live entertainment should be denied.

- (c) Other reasons provided by State or Federal Law or Regulation which warrant refusal of the application

Butta J's Café has not complied with its current permit and therefore should not be permitted to expand the entertainment allowed by such permit. In March 6, 2009, when an investigator from the Liquor Control Division inspected the premises he found no food available for patrons as required by Butta J's café permit, no supply of age statement forms and cigarette butts and ashes behind the bar located in the dance area. Such flagrant violations of Butta J's permit should preclude any expansion of its permit.

The undersigned appoint Carolyn W. Kone, Brenner, Saltzman & Wallman LLP, 271 Whitney Avenue, New Haven, CT 06511, [ckone@bswlaw.com](mailto:ckone@bswlaw.com), 203-772-2600 as agent for service of in accordance with Conn. Gen. Stat. § 30-39(c).

Dixwell Enterprise Community/Management Team  
26 Charles Street  
New Haven, CT 06511  
January 31, 2010

Department of Consumer Protection

RE: Café Liquor Permit Objection

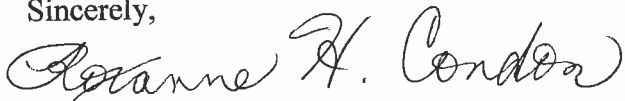
To Whom It May Concern;

The Dixwell Enterprise Community/Management Team voted at the January 21<sup>st</sup> meeting to send a letter to protest the Cardinal's Club, located at 320 Ashmun Street, request to have a change in their liquor license to include other activities including Exotic Dancers, Live Bands, Disc Jockeys, Comedians, Acoustics and Karaoke. This permit request is Objected by the neighborhood for several reasons including; previous incidents of violence including but not limited to fights, shootings, and a killing outside the club; plans to start a day care for the community in the area; area residents who consistently complain about after hours noise from the club area when it closes, and the fact that the club is in a primarily residential area.

The Dixwell Management Team, consisting of Dixwell area residents, objects to this request for a change to the liquor permit for the club called the Cardinals Club, owned by Butta J's Café, Inc., Joyce A. Bellamy. The Management Team will attend any hearing to protest this request.

If you have any questions or concerns regarding this matter feel free to call me at (203) 675-4575. Your attention to this matter is greatly appreciated.

Sincerely,



Roxanne H. Condon, Chair

Dixwell Enterprise Community/Management Team



NEW HAVEN CITY PLAN DEPARTMENT  
165 CHURCH STREET, NEW HAVEN, CT 06510  
TEL (203) 946-6378 FAX (203) 946-7815

**Certified Return Receipt # 7008 0150 0002 0471 0557**

January 20, 2010

Mr. John Suchy, Director  
State of Connecticut Liquor Control Commission  
165 Capitol Avenue  
Hartford, CT 06106

RE: Café Liquor Permit Renewal Application  
Butta J's Café  
320 Ashmun Street  
New Haven CT 06511-3529  
Permit # LCA 6995  
Applicant: Joyce A. Bellamy

Dear Mr. Suchy:

It has come to the attention of this office that the State Liquor Commission is in the process of reviewing the above referenced application. After speaking with staff from your office it is our understanding that this application is concerned with the entertainment portion of the permit only and that the underlying Café Permit was recently renewed for one year. It is to certain forms of entertainment described below and contained in this application that we object on the following grounds:

The property at 320 Ashmun Street is located in an RM-2 (High Middle Density) Residence District. Section 14 of the New Haven Zoning Ordinance does not list restaurants or cafes with liquor licenses as permitted uses in an RM-2 Residence District. Because, however, the use of the property at 320 Ashmun Street as a restaurant/café predates the City's 1963- enacted zoning regulations it is considered to be a legal but nonconforming use. Section 67 of the New Haven Zoning Ordinance generally permits the continuance of nonconforming uses under certain conditions.

Foremost among these conditions is that no expansion of such uses is permitted per Section 67(c)(1) of the New Haven Zoning Ordinance. It is the position of this office that the addition of any form of live entertainment not listed on a previous permit issued by the Liquor Control Commission would in fact constitute an expansion of a nonconforming use.

The Legal Notice concerning this application which appeared in the New Haven Register earlier this month includes Exotic Dancers, Comedians, and Acoustic as proposed live entertainment. Because these three proposed forms of entertainment have never appeared on any previous liquor permit or permit application form for this address it is the

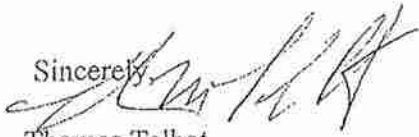


position of this office that these proposed uses constitute an expansion of the existing café use and are consequently prohibited by the New Haven Zoning Ordinance.

In closing, this office objects to the granting of approval by the Liquor Control Commission of permits for the live entertainment described above based on the fact that to do so would create an illegal expansion of a nonconforming use and as such would place the property at 320 Ashmun Street in violation of the Zoning Ordinance of the City of New Haven

Please contact this office if you have any questions or comments regarding this matter.

Sincerely,



Thomas Talbot  
Deputy Director, Zoning

CC: Karyn Gilvarg, Executive Director, New Haven City Plan Department  
John Ward, Special Counsel to Economic Development  
Phillip Pastore, Deputy Corporation Counsel  
Christine Bonanno, Deputy Economic Development Administrator  
Andrew Rizzo, Jr., Director, Building Department



Shelton Avenue

Dixwell Avenue

344 WINCHESTER

SCIENCE PARK

Winchester Avenue

PARKING GARAGE

FARRINGTON CANAL

PARK

TRACT A

Munson Street

Munson Street

BUTTA J'S CAFE

DAY CARE

Henry Street

Monterey Homes

Monterey Homes

SCIENCE PARK

Admiral Street

Ashmin Street

Monterey Homes

Canal Street

Winchester Avenue

Dixwell Avenue

Foote Street

Webster Street


REMONSTRANTS

Name (printed)	Street Address	City	Age	Telephone Number	Signature
Shirley to Johnson	31 Kensy	New Haven	23		
Tawanda Jenkins	33 Henry	New Haven	29	203-850- 4087	
Amy Glaser	11	"	45	203-850- 4087	
Leon Gargue	11	"	54	203-850- 4087	
Melanie St Jean	39 Henry	New Haven	37	203-624- 5288	
Booth Gunn	same	New Haven	41	203-624- 5288	
Ruford Bowman	52 Henry	New Haven	40	203-809- 0554	
Leindel McCray	44 Henry st.	New Haven	46	203-787- 9887	
J. Hines	34	New Haven	65	203-710- 8137	

REMONSTRANTS

Name (printed)	Street Address	City	Age	Telephone Number	Signature
Arletta Hines	24 Henry ST	NEW HAVEN	39	203 850- 3760	<i>Arletta Hines</i>
Ruth Melton	32 Henry ST.	New Haven	57	203-891- 6622	<i>Ruth Melton</i>
Delva Taylor	26 Henry ST	New Haven	46	203-908- 2589	<i>Delva Taylor</i>
Anthony Simpson	31 Henry St	New Haven	43		<i>Anthony Simpson</i>
Anthony Duff Sr	1 Union Ave	New Haven	44	203 687-0536	<i>Anthony Duff Sr.</i>

REMONSTRANTS

Name (printed)	Street Address	City	Age	Telephone Number	Signature
					
Johnny Taylor	26 Henry St	New Haven	40	203 903-5950	Johnny Taylor

Name (Printed)	Street Address	City	Age	Telephone Number	Signature
Aldeentan Greg Morehead	13 Frances Hunter Dr.	New Haven	32	2035077766	
John DeStefano	150 Truman Ave	Stamford	54	203-946-8000	



# Yale OFFICE OF NEW HAVEN AND STATE AFFAIRS

433 Temple Street  
New Haven CT 06511  
T 203 432-8613  
F 203 432-8612

January 28, 2010

Department of Consumer Protection  
165 Capitol Avenue  
Hartford, CT 06106

Dear Department of Consumer Protection:

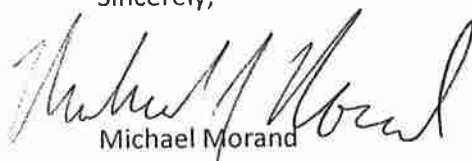
On behalf of Yale University, I am writing to formally express our strong opposition to the application submitted by Joyce A. Bellamy, 43 Norton Parkway, New Haven, CT 06511 for a café/liquor permit for the sale of alcoholic beverages on the premises of Butta J's Café, Inc. located at 320 Ashmun Street, New Haven, CT 06511.

Butta J's Café has proposed to offer entertainment consisting of "exotic dancers" on the premises. The use of this space for this proposed use is entirely inappropriate for the club's location in the center of a residential neighborhood, near a public K-8 school, churches, the Farmington Canal greenway, and the Science Park district where Yale University staff and students work and live.

Yale University has worked closely with our neighbors in the Dixwell neighborhood to bring this neighborhood up , and the use of the space for exotic dancer entertainment would harm neighborhood residents, businesses and the many young people participating in youth programs operating nearby.

We strongly urge you to deny the liquor permit which would harm the many efforts our neighbors have made to strengthen the Dixwell community.

Sincerely,



Michael Morand  
Associate Vice President