

**SOUTH OF THE GREEN HISTORIC DISTRICT  
MINUTES OF REGULAR MEETING HELD WEDNESDAY, JUNE 11, 2008  
CONFERENCE ROOM B, PARSONS COMPLEX**

The Historic District II, a/k/a known as the South of the Green Historic District held their Regular Meeting on Wednesday, June 11 2008 in Conference Room B of the Parsons Complex. Chairperson C. Smith called the meeting to order at 7:00 p.m.

**1. ROLL CALL**

Members Present: Carol Smith, Kevin DeMarco, Arthur Paulson, T.J. Casey, Walter Ortoleva (Alt) and Arthur Stowe (Alt).

Also Present: M. Lipton, City Attorney

Chairperson Smith explained the procedure for this evening's meeting.

**Public Hearing**

Chairperson Smith opened the public hearing at 7:01 p.m. and explained the applicant would give their presentation and the public would have input as to those "in favor" or "opposed" and then the applicant could then rebut. Chairperson Smith proceeded to item 5-A regarding the application of Mr. and Mrs. Richard Eisenman. She asked if any City employee was here to speak regarding the Eisenman's application. Hearing none Mrs. Eisenman presented her application for Certificate of Appropriateness for the replacement for their front doors.

Mrs. Eisenman explained the current door they have and they are seeking to replace it with two solid walnut front doors.

Mr. Stowe commented it shows similar type door and asked if they are solid doors.

Mrs. Eisenman explained they are two 2' doors, which will take out the existing door and sidelight.

Mr. Eisenman added the existing door is the original dating back to 1860.

Chairperson Smith asked if anyone wished to speak concerning this application:

In favor – none.

Opposed – none.

Chairperson Smith closed this portion of the hearing at 7:04 p.m. and recessed to the business portion of the meeting.

Mr. Casey and Mr. DeMarco made and seconded a motion to approve the application for the certificate of appropriateness as proposed.

Mr. Ortoleva asked about hardware.

Mr. Eisenman responded it would be a simple knob with a black/bronze look.

Motion carried unanimously.

Chairperson Smith deemed the Certificate of Appropriateness granted for the applicants Richard and Doreen Eisenman.

Chairperson Smith recessed the business portion of the meeting at 7:05 p.m. and re-opened the public hearing (7:05 p.m.) regarding the application of Kristin Huffman and Andrew Reiman concerning 20 Pond Street. Chairperson Smith recognized Mr. Paulson.

Mr. Paulson stated he wished to recuse and disqualify himself from this application. Mr. Paulson left the meeting at 7:06 p.m.

Chairperson Smith commented for the record that she had not participation with regard to the application circulated regarding the 2<sup>nd</sup> floor deck and that she did not draft, circulate or sign a petition. She recognized the Zoning Enforcement Officer, Linda Stock, to provide background information on this application.

Ms. Stock stated on October 23, 2006 Mr. Reiman received a permit for a 23' x 8' 2<sup>nd</sup> floor deck. She stated he then received a building permit with one year to begin the project, which means construction. She commented moving shrubs, changing the grade of the property, etc. has nothing to do with construction. On April 11, 2008 she stated she issued a cease and desist order, which stated the construction did not begin within the one-year period. She explained a second historic district was not in place and the applicants were now required to come before this Commission. Ms. Stock stated after she sent the cease and desist, Ms. Huffman and Mr. Reiman took an appeal of her order and then withdrew it for personal reasons and then nothing happened with Zoning Board of Appeals.

Chairperson Smith asked if anyone had any questions.

Mr. Casey asked if Ms. Huffman and Mr. Reiman had an opportunity to request an extension of the permit and did not do it.

Mr. Stock responded yes and that this was actually the second permit and they did not do it.

Mr. Casey stated he wished to clarify they are here because they withdrew their application.

Mr. DeMarco pointed out in the October 2006 zoning application it says "2<sup>nd</sup> story deck, windows", but not necessarily doors.

Ms. Stock stated he could be stairs.

Mr. DeMarco asked about the door.

Ms. Stock replied it would have had to be on the application. She also noted for the record the building official was unable to attend this meeting due to a personal issue. She read the April 8, 2008 letter regarding the modification from Mr. Reiman. She stated added to the permit was replacement of three doors and two windows and that there was additional paperwork from Finishing Touch Construction, which she proceeded to read. She stated in her opinion and in the opinion of the zoning regulations, construction did not start before the one-year permit expired, therefore they must come before this Commission.

Mr. Stowe stated he wished to clarify there is no building permit at this time.

Ms. Stock replied no.

Mr. Stowe asked if the work has been done without a permit.

Ms. Stock replied yes.

Attorney Timothy Herbst with the Law Offices of Peter Ambrose, 1100 Kings Highway, Fairfield, Connecticut was present on behalf of his clients, Kristin Huffman and Andrew Reiman. Attorney Herbst stated he would give his presentation along with that of Ms. Kristin Huffman, Attorney Ambrose, and Mr. Esteban Perez, a licensed Connecticut contractor. Attorney Herbst stated he wished to clarify two matters of procedure, first that the meeting was being taped and also a matter of record. Attorney Herbst went on to thank Chairperson Smith for addressing the comments made in his June 4, 2008 letter as to whether there was any ex-parte comments made between Mrs. Kurt (sp).

City Attorney Lipton asked if he could clarify regarding the petition or application.

Attorney Herbst stated for the record his concerns and spoke as to consistency with Connecticut General Statutes regarding Historic Districts. He also spoke as to the Rules of Procedure of the Commission that indicate a copy is to be deposited with the City Clerk. This shows the City Clerk has received it. He stated in his presentation tonight he will describe the project and procedures and will also touch on the comments of Ms. Stock.

Attorney Lipton interjected asking about the substantial work, which has been done already. She pointed out the function of this Commission which is to determine a Certificate of Appropriateness and not to try an act as the Zoning Board of Appeals.

Attorney Herbst stated this application presents itself with a unique set of circumstances and went on to explain the history and continued with his presentation. He also explained the first plan which was to be a carport and covered porch and that his clients are amendable to abandoning the carport. He also added there is no second story deck and never was. Attorney Herbst proceeded to explain the drawing/plan. He deferred to the contractor, Esteban Perez.

Mr. Perez explained the work he has done on historical homes in the area such as Hamden, New Haven, etc. He gave a lengthy detailed explanation of the work on this particular house and the high quality of products used in this project to date.

Mr. Casey asked when this all changed from a carport to a patio and deck.

Ms. Huffman replied it was always a second story deck and that it was never going to be a carport.

Mr. DeMarco asked about the deck material and if it if pressure treated.

Mr. Perez replied yes.

Mr. DeMarco stated he never heard this mentioned as a carport. He also asked why there is no beam post in the middle.

Mr. Perez explained the four LDL's together and the laminate, which was to give it, a better view. He also stated it was done to preserved the look of the house.

Attorney Herbst spoke as to the significant number of plantings to be done.

Mr. Ortoleva (to Mr. Perez) asked if he drew the plans.

Attorney Herbst responded Mr. Reiman drew them up.

Mr. Ortoleva noted they are dated May 29, 2008, which is after the fact.

Mr. DeMarco asked why a raised deck on sit down?

Mr. Perez explained it would be on top of what they call sleepers.

Mr. DeMarco asked if they are 4' x 4' and why full length.

Mr. Perez explained how they do that structural framing with the sleeves and that it would be a pine sleeve. He stated it would match the other one, but would be shorter.

Mr. Ortoleva commented most decks are to the rear of a house and asked why this one if on the side and why so large and if that is unusual.

Attorney Herbst responded the R12-5 zone has certain setback zones and explained the rear yard is 10'. He also explained the approval previously applied for and received and that it conformed with all those setbacks.

Ms. Huffman added they wanted to have a view of the Harbor.

Mr. Ortoleva asked about the footings and if it could be turned into an addition.

Mr. Perez responded you would have had to pour 42". He stated if he was asking about enclosing you really couldn't.

Attorney Herbst reiterated this is a unique application and would like this Commission to consider it. He stated the construction is 90% complete and would submit this is the first certification that would be retroactive.

Chairperson Smith commented this application still needed to be considered as new construction.

Attorney Herbst stated he only raises the issue because it is unusual and cited Section 7-147g pertaining to hardship. He stated he raises that issue because when the Commission renders judgment because his clients have sustained costs to date in the amount of \$22,000 and if they want to keep the deck it will be another \$5,000. He added his clients would incur an additional financial hardship if they were required to tear it down. Attorney Herbst also spoke as to the issues raised by Ms. Stock as to when the application was withdrawn from the Zoning Board of Appeals and the windows/doors that are separate from the deck. He stated the construction on the doors and windows commenced in October 2007. Attorney Herbst also spoke to the significant issues with the City's building department and how this was handled.

Mr. Casey stated this Commission is only concerned with the appropriateness. He asked if this could be scaled back.

Mr. Perez explained the two beams are 25 x 12 x 8. He stated it is one piece after another and it is bolted to the house. He stated if this has to be detached it could pull away from the house and end up being a liability for his clients.

Mr. Casey asked if it could be shored up.

Mr. Perez responded it would not be something he would recommend, because of safety for his clients and liability for his company he would not want to do that.

Attorney Herbst asked for clarification if a modification were required to modify or tear the entire deck down and rebuild.

Mr. DeMarco commented it was his understanding the house was originally built in 1950 and is balloon construction.

Mr. Perez explained how they opened the side of the house.

Mr. DeMarco asked if the materials could be re-used.

Mr. Perez explained the process concerning laminate beams. He also spoke as to the added cost, which would double and reiterated concern for liability, which could be great.

Attorney Herbst stated he would argue the project is 90% complete and also that the building department issued a modification of an expired building permit. He also stated his review of the file indicates the building department may not have notified Ms. Stock's office. Attorney Herbst stated there are many issues that need to be raised.

Mr. Casey stated this board couldn't address some of those issues. He asked why the applicants withdrew originally.

Ms. Huffman responded she they had a medical emergency and had to go out to Chicago immediately.

Attorney Herbst added this cut off any administrative remedies for his client. He also referred to the issues that have emanated from the building department. Attorney Herbst went on to apologize for raising these issues with the building department and Zoning Board of Appeals, but stated he had to do so because of the uniqueness of this application. He stated he had an obligation to raise these issues and that he believed they should be considered. Attorney Herbst asked the Board to allow a permit to be issued and the project to be completed, which would include the railings, which could be shortened and also the plantings.

Mr. DeMarco stated he needed to be clear and asked if another building permit would be required.

Chairperson Smith stated this Commission needed to fulfill its obligation as to whether or not this application meets the neighborhood.

Ms. Huffman read from the minutes of the September 12, 2007 meeting wherein Mr. Stowe stated, "has to fit in with the character and neighborhood"; and from the June 13, 2007 meeting where he stated, "when the house was built".

Attorney Herbst expressed his appreciation to the Commission for their patience and indulgences this evening and also thanked the City Attorney for addressing his June 4, 2007 letter.

Mr. Stowe asked why a 1953 house is appropriate.

Ms. Huffman replied Cape Cod houses were built in the 1950's.

Attorney Herbst stated in considering the neighborhood he would ask the Commission to look at the house across the street from 20 Pond Street, which has a second floor deck.

#### Speakers in Favor:

Reverend Michael McKerkia (sp) – 129 Wooden Road, New Haven – stated he is from the Bethesda Lutheran Church and thanked the Commission for the opportunity to speak. He stated he wished to read a letter from Edward Berberidge, Sr. and proceeded to do so.

Mr. Casey asked for the record if that letter is part of the file.

S. Ribken (sp) – stated he is owner/broker with Janet James of Remax – he spoke as to the value producing upgrades to this home.

G. Jones – 116 Pleasant Grove Drive, New Jersey – stated she is a dear friend of Kristen and Andrew. She stated she wished to read a letter from M. Kimlos, 7 Pond Street.

A. Munson – 15 Pond Street – read a letter from her husband who was unable to attend tonight's meeting. She also stated she has lived on this street for 25 years. She spoke as to some of the work the Reiman/Huffman have done to their home and that it has been translated into a lovely home. Ms. Munson also spoke at length of the number of personal attacks on the Reiman/Huffman and that she is tired of all the negativity and the evilness of these people.

Mr. Casey explained the historic district process to Ms. Munson and that the neighbors have a right to be concerned. He also addressed some of the accusations she just made and she he stated he felt were unjust.

L. Thompson – (no address stated) – stated she is a friend of A. Reiman and K. Huffman as well as a writer and that it was her pleasure to read a letter from someone who could not be here this evening. She read a letter from Michael Arata, owner Arata Landscaping, Milford, CT.

Mr. Casey noted for the record the letter was addressed to the Zoning Board of Appeals.

Ms. Thompson thanked the Commission for allowing this letter to be read.

C. Hadlock – stated he wished to read a letter from Mr. I. Fossesigurani, 37-39 Pond Street, Milford, CT.

Mr. Casey stated he wished to convey to all owners of properties that they would have to come to this Board if they wish to do structural work to their home.

Chairperson Smith added there were other homes on the edge that opted out.

S. Bellotta (sp) – stated she is a real estate agent. She stated she wished to read the letter from Steve Skilkeen (sp), President and Joseph Skilkeen.

Mr. Casey stated the application has nothing to do with the integrity and honor of the applicants, but only that their permit ran out and a certificate of appropriateness is required.

S. Gilad – stated she is the author of "Real Estate Millionaire" and read her letter of support.

Chairperson Smith commented there are many towns that have historic districts that are to preserve a heritage that may be lost.

Mr. Casey commented Ms. James is a well-respected realtor in Milford and noted she does have a deck off her house. It is not off the back of the house, but the side of the house.

Speakers Opposed:

D. Morris Curt – 41 Green Street – stated she lives in a house built in 1798. She submitted a petition collected. She stated her comments pertain to the South of the Green neighborhood and read her letter. She also spoke as to the need to maintain the integrity of the historic district and stated this structure is inappropriate for Pond Street. She stated the addition is not in keeping with this area and asked the deck be removed. She stated they needed to preserve their historic district distinction and went on to explain the photographs she brought. She also spoke as to the Wakemans who bought the house in 1858 and lived there 50 years.

Mr. Ortoleva stated he counted 32 signatures.

Attorney Lipton asked if applicants' counsel would agree to have copies of the photographs made.

Attorney Herbst responded he wished to examine the photographs first.

G. Becker – 34 Pond Street – stated he lives two doors away. He stated all indicates are this is a carport and there is no reason to believe eventually it won't be. He stated it is massive in scale and noted the bottom is not framework; it is gravel so there is the potential concrete could be poured. He reiterated he believed the intent always was for this to be a carport. He also spoke as to the problems with Planning and Zoning and Zoning Board of Appeals and stated they are not the purvey of this Commission. He stated Section 7-147(f) was brought up and that this Commission was informed this does not apply. He commented as to such things as. He also commented as to the issue of hardship and stated it is not within the intent of the statute for someone to create their own hardship. He stated he doesn't see a problem with a deck or two-story deck, but this is quite massive. He stated the entire frontage of the property is be covered and it just does not fit in with the character of the neighborhood. He stated if it were smaller, it could possibly to considered.

N. Bodick – 25 High Street – asked the Commission to deny this Certificate of Appropriateness. She stated it is tough to speak against a neighbor. She also stated she was in favor of a historic district because it would give her the opportunity to speak in opposition of things that just don't fit into the district.

Mr. Casey asked Ms. Bodick if she would be in favor of this if it were not a carport and if shrubs were added.

Ms. Bodick responded it just does not look right.

K. Kobishyn – 26 Pond Street – stated she lives directly next door and read a prepared letter to the Commission.

M. Steinluf – 51 Pond Street – stated it is overbearing and as it stands it looks awful.



M. O'Grady – 32 Reed Street – stated it just is over scale and does not fit. He stated the point of a historic district is to get things right. He stated he is opposed to this.

P. Kanteman – spoke as to a uniform building code and asked if inspections have been made on this work.

Mr. Casey responded there is a cease and desist on this.

Mr. DeMarco commented he assumed inspections were made, but it is not relevant because the duty of this Commission is to the Certificate of Appropriateness.

D. Steinluf – 51 Pond Street – commented the point was approval, not relevance.

J. Dismisses (sp) – Co-President of the Milford Historical Society – read a letter from Sue Carol Dwyer. She spoke as to the purpose of the Milford Historical Society.

Attorney Herbst stated he wished to address some of the comments and those who spoke as to the Huffman/Reiman and their integrity. He stated those individuals did that because of the petition that was circulated and submitted to this Board, which his clients found to be defamatory. He stated there were some very strong statements made about his clients. He also stated Section 7-147(g) should be involved and that they can disagree as to if, when and how construction commenced. He stated it is their position that construction began October 1, 2007 and that they should all agree this application received a Planning and Zoning approval and building department approval. He also stated he would suggest the applicants petition Planning and Zoning to change that side setback. He also stated the criticism heard tonight from those opposed are before the wrong board and also addressed the comment regarding self-imposed hardship. Attorney Herbst stated on March 17, 2008 the building department issued a modification to an expired permit and did not notify the Planning and Zoning Officer. With regard to the comment made regarding Section 7-147(g), Attorney Herbst stated it is germane and would submit to this Board the statute is completely germane. He asked that the Certificate of Appropriateness be retroactive to the application and that if his clients are denied they should have been advised of their opportunity to continue. Attorney Herbst stated he understood the concerns of the neighbors, but believed they have addressed all those points tonight. He also commented and stated he appreciated and respected that 76% of the residents opted to create this district and that they probably never thought this type of situation could occur. Attorney Herbst urged the Board to act with diligence and respect and request this Certificate of Appropriateness be approved.

Mr. DeMarco asked where Mr. Reiman is.

Ms. Huffman responded her husband is ill due to all of this and that she did not wish to subject him to this. She also showed a picture of the house when they bought it with the for sale sign in front of it. He stated she wanted to Board to understand how conscious they were of the stone they uncovered which they found out is true cobblestone. Ms. Huffman also stated that no one ever asked what they

were doing. She also pointed out they have preserved Mrs. Trowbridge's two rose bushes as well as the azaleas which are in the back right now.

Attorney Herbst stated he wished to reiterate the contract testified as to the structural aspects of this project and finally had the state building code been followed and the modification of an expired building application not been signed this project would not be 90% complete.

Mr. DeMarco stated there appears to be two common themes, the size of the carport being one. He asked if the applicant would be opposed to guarantee it not be used.

Ms. Huffman responded they would be willing to give in on that part, if that is the main issue for this Board. She also added this was never going to be storage.

Mr. DeMarco asked how long it would take to complete this project.

Mr. Perez responded within a week.

Mr. DeMarco asked about landscaping.

Ms. Huffman replied they have spent quite a bit of money, but they would get as much as they could at this point.

Attorney Herbst asked if this were approved and then to Planning and Zoning if there is a provision of continuing the nature of standards.

Attorney Lipton responded as to Planning and Zoning approval and that the landscaping would have to have a deadline and would need a certificate of occupancy. She stated she believed the specific question was whether the landscaping would be completed as presented.

Attorney Herbst stated the first objective would be to complete the construction and then the landscaping as quickly and from a financial standpoint. He asked if the Board wanted a timeframe.

Attorney Lipton stated it would be helpful to the Commission this evening. She asked when it is reasonably going to look as it is presented.

Attorney Herbst asked if that could be addressed by the Zoning Enforcement Officer.

Mr. DeMarco stated this Commission has no control over landscaping.

Ms. Huffman stated the landscaping was drawn to alleviate the concerns of a carport. She also stated when the railings are up it will look different.

Attorney Lipton spoke as to the equitable consideration and softening of the look, which the Commission is concerned with.

Attorney Herbst stated landscaping work could begin once the work has been completed.

Chairperson Smith closed the public session at 9:12 p.m.

Mr. Casey requested a 5-minute recess. The Commission recessed at 9:12 p.m.

Chairperson Smith reconvened the Commission at 9:27 p.m. She stated she would entertain a motion to re-order the agenda to consider item 5B.

Mr. DeMarco and Mr. Casey made and seconded a motion to re-order the agenda and bring forward item 5B. Motion carried unanimously.

Mr. Casey and Mr. Stowe made and seconded a motion to approve the Application of Appropriateness for Kristin Huffman and Andrew Reiman with stipulations as set forth by this Commission.

Mr. DeMarco stated he has not seen this petition until this evening. He stated there were letters with the Reiman/Huffman packet. He also noted the drawing says conceptual landscape and added this structure is quite large. He also commented it was not a nice feeling tonight to see all of "us" as neighbors with personal attacks and that the common goal should be to preserve our neighborhood and to raise our children here. He stated what brought him here was 79 Noble Avenue and that it is an eyesore. He also spoke as to the theme of a carport and in everyone's eyes a second level is possible.

Mr. Casey commented he did his homework. He stated if this were on Wharf Lane it would not comply and everyone would agree it is not appropriate. He noted there are houses with additions that have balance and character referencing 69 High Street, 5 Center Street and 3 Central Avenue and several others he could mention. He stated he is not opposed to building the deck on the side of the house, but is opposed to the size. He stated if they could come up with an understanding that it be reduced. He stated you could do that with laminate wood. He stated if that could be accomplished it could go forward with it.

Chairperson Smith stated the goal is to preserve the integrity of the neighborhood and that it is not to tell people what they can and cannot do. She also stated it needed to be appropriate to the building so that it is in balance and character with the house. She stated in her mind there is historic significance to that building and that the structure should be set back so the architectural integrity can be seen when you look at it. She stated comments were made that it is massive and stated she would have to agree. She also spoke as to the zoning issue and reminded the Commission they are to look integrity and balance and look at the whole picture and the piece of property and preserve that. Chairperson Smith also spoke as to the business of loss of money and commented it is very unfortunate and expressed her hope it will not be a hardship to that extent. She also spoke to the building permit and the fact that it is only good for one year. She stated the project is 90% done and that she felt badly about that, but expressed her concern with a precedent being set.

Mr. Ortoleva echoed some of the comments of the other Commission members. She also inquired why it is so big. He expressed his disappointment at hearing it cannot be shortened and that it seemed unrealistic. He stated, as it is it is just too big for the scale of the house.

Mr. Stowe thanked Ms. Huffman adding the pressure throughout all of this certainly has been palpable and expressed his sorrow this has been such a struggle. He stated he is looking at this from a practicable standpoint and questioned why Attorney Herbst is here and questioned permits and building and that it is a battle to be taken. He stated that is why he asked if there was a permit and if the work was done without a permit and Ms. Stock replied to him, yes. He stated his thought tonight is there is not a permit for this work. He stated Planning and Zoning has their own regulations and for the historic district it is for aesthetics and this Commission looks at the character of the neighborhood and other houses. He also stated it was interesting to hear his own words. He stated a second story deck is appropriate for the reasons the applicant stated, to take advantage of our harbor but that it is stretched to the max of zoning at 10'. Mr. Stowe stated he felt they could sit down together and find a workable situation.

Mr. DeMarco spoke personally about his recent Certificate of Appropriateness he applied for and that the process was a learning experience. He also asked about electrical.

Mr. Casey stated this Commission would have to come up with stipulations.

Mr. DeMarco stated he did not know how to address the size and further he did not want to see it be an addition or carport.

Mr. Casey asked about taking it down 1/3.

Chairperson Smith stated the deck is out of proportion to the house and needs to be shortened. She commented it looks almost like it is pulling the house down.

Mr. Stowe stated this Commission should not impose the size. He stated he would ask Mr. Reiman and Ms. Huffman what would be more appropriate.

Mr. Ortoleva stated what they are trying to do could mean another meeting or architect and added he also felt the size could be reduced.

Attorney Lipton advised the Commission need to approve with conditions and if the applicant feels the conditions are not feasible they can appeal; or the Commission could simply deny it or approve with conditions. She stated there could not be any further exchange and that the application is now before this Commission.

Chairperson Smith stated for clarification this Commission could accept or they can come back and modify, but that it leaves the door open.

Attorney Lipton stated the door is always open to work with them and they can file a new application.

Mr. Casey stated they needed something that states it will not be a carport and with regard to the landscaping, it really is not within the purvey of this Commission. He stated it really comes down to size and bulk of the deck.

Chairperson Smith asked if it could be shortened to keep in proportion with the house.

Mr. Ortoleva stated most decks are usually about 1/3 the size of the house.

Mr. Casey questioned whether it could be shifted four (4) feet.

Mr. Ortoleva stated he would be reluctant to firmly state 1/3 or 1/2.

Mr. Stowe commented the purpose of the deck is for enjoyment of the harbor and outdoor recreation. He stated it would be his recommendation it is 1/2 the size and the length of the house. He stated his thought would be it is 1/2 the size.

Mr. Casey stated he is still open, but the bottom section which is extremely interesting area to enjoy. He questioned what they are trying to do at this point. He asked if the person who made the second would be willing to withdraw it and that it would be in the best interest of the applicant to deny this and have them come back with a new set of drawings.

Attorney Lipton stated she was of the opinion the Commission does not have sufficient information to try to redesign and that a denial at this time would be a cleaner way to go.

Chairperson Smith asked if they could table this.

Attorney Lipton responded yes, but reminded the Commission the hearing is closed. She suggested the Commission could get technical assistance from the building department as to what is feasible to cut back.

Mr. Casey suggested they leave the motion and bring this forward at the next meeting.

Chairperson Smith spoke as to the State Cultural and Tourism and having an architect come in. She stated she believed they could work this out and would rather not deny it.

Mr. Stowe stated part of the reason for tabling this would be to get some technical assistance.

Attorney Herbst stated he wanted to be sure they could also have discussions with these technical people as well.

Mr. Stowe and Mr. Casey made and seconded a motion to table the matter.

Mr. DeMarco stated he did not wish to vote at this time and wanted to see through.

The motion carried 4 yes (Casey, Smith, Stowe, Ortoleva) and 1 abstention (DeMarco).

Attorney Lipton suggested it would be best to have this within 30 days.

Chairperson Smith asked if she could call a special meeting for this.

Attorney Lipton explained they would have to give 24 hours notice and also notify the applicant if there is a conflict.

Mr. Stowe and Mr. Casey made and seconded a motion to recess until, Monday, June 16, 2008. Motion carried unanimously.

The Commission recessed at 10:08 p.m.

Respectfully submitted,

Kathleen K. Huber  
Acting for Linda Stock, Secretary